

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
BABY MATTERS, LLC)	CPSC DOCKET NO. 13-1
)	
Respondent.)	HON. WALTER J. BRUDZINSKI
)	Administrative Law Judge
)	
)	

MOTION TO AMEND SCHEDULING ORDER

Complaint Counsel for the U.S. Consumer Product Safety Commission (“Complaint Counsel”) moves the Court for an order amending the Final Pre-Hearing Order dated January 31, 2013 (as amended by the Court’s Orders dated March 8, 2013 and March 21, 2013, the “Scheduling Order”) to extend the deadline for Complaint Counsel to file motions to compel discovery until April 18, 2013.

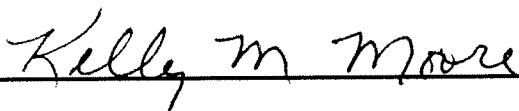
The Scheduling Order requires the parties to file any motions to compel discovery twenty days after the response was due, and in any case no later than April 10, 2013. Scheduling Order, ¶ 13(c). Complaint Counsel served Respondent with Interrogatories and Requests for Production of Documents and Things on February 7, 2013, with a response deadline of March 12, 2013. Although Respondent filed its Objections and Answers to Interrogatories and the written portion of its Responses and Objections to Complaint Counsel’s Requests for Production of Documents and Things on March 12, 2013, Respondent did not produce documents to Complaint Counsel until March 26, 2013. Complaint Counsel respectfully requests that the Court extend Complaint Counsel’s deadline to file motions to compel until April 18, 2013, so that Complaint Counsel has

the twenty days (plus three days for service) allotted by the rules to review the documents produced by Respondent and file a motion to compel, in the event one is deemed necessary.

Under the Rules of Practice for Adjudicative Proceedings, “[f]or good cause shown, the Presiding Officer may extend any time limit prescribed or allowed by these rules or by an order of the Commission or Presiding Officer, except for those sections governing the filing of interlocutory appeals and appeals from Initial Decisions and those sections expressly requiring Commission action.” 16 CFR § 1025.15(c).

Pursuant to 16 CFR § 1025.1, “broad discretion has been vested in the Presiding Officer who will hear a matter being adjudicated to allow him/her to alter time limitations and other procedural aspects of a case, as required by the complexity of the particular matter involved.” The proposed amendment to the Scheduling Order would allow Complaint Counsel the benefit of a complete and thorough review of all discovery responses prior to ascertaining what, if any, materials would be included appropriately in a motion to compel discovery. Respondent would not be prejudiced by an extension to April 18, 2013 of Complaint Counsel’s deadline for filing motions to compel discovery. The proposed change would not affect any other deadlines prescribed by the Scheduling Order, including the commencement of Hearing on May 20, 2013.

Respectfully submitted,



Kelly M. Moore, Trial Attorney
Daniel Vice, Trial Attorney
Mary B. Murphy, Assistant General Counsel
Division of Compliance
Office of the General Counsel

U.S. Consumer Product Safety Commission
Bethesda, MD 20814
Tel: (301) 504-7809

Complaint Counsel for
U.S. Consumer Product Safety Commission
Bethesda, MD 20814

April 4, 2013

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ORDER

Complaint Counsel filed a Motion to Amend Scheduling Order dated April 4, 2013. Complaint Counsel proposed that its deadline to file any motions to compel discovery be extended to April 18, 2013.

Based upon the representations made by the parties, the Motion is GRANTED. It is hereby ORDERED that the Scheduling Order dated January 31, 2013, as amended, is further amended such that Complaint Counsel's deadline to file any motions to compel is extended to April 18, 2013. The remaining dates and all other provisions in the January 31, 2013, Scheduling Order, as amended, remain in effect.

Walter J. Brudzinski
Administrative Law Judge

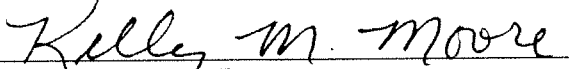
CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing on all parties of record in these proceedings by emailing a courtesy copy and by mailing, postage prepaid a copy to each on April 4, 2013.

Baby Matters, LLC
531 Winston Way
Berwyn, PA 19312

Raymond G. Mullady, Jr.
Blank Rome LLP
Watergate
600 New Hampshire Avenue NW
Washington, DC 20037
Counsel for Baby Matters, LLC
Mullady@blankrome.com
apickard@blankrome.com

Judge Walter J. Brudzinski
U.S. Coast Guard
1 South Street, Battery Park Building
Room 216
New York, NY 10004-1466
Timothy.A.O'connell@uscg.mil
Regina.V.Maye@uscg.mil



Kelly M. Moore, Esq.
Complaint Counsel for
U.S. Consumer Product Safety Commission