

**UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION**

IN THE MATTER OF

CPSC DOCKET NO.: 21-1

THYSSENKRUPP ACCESS CORP.,

Respondent.

**MOTION FOR EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT NON-
PARTY SUBPOENA**

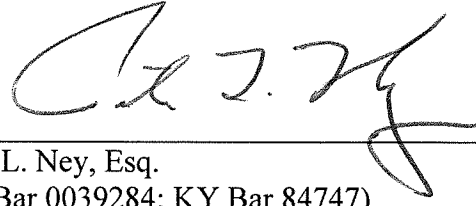
Non-party Kevin L. Brinkman, through the undersigned counsel and pursuant to 16 C.F.R. § 1025.38(g), hereby moves for an extension of time, up to and including March 2, 2022, in which to file a motion to quash or limit the subpoena served on him by U.S. Consumer Product Safety Commission (“CPSC”) Complaint Counsel on January 27, 2022. The grounds for this motion are set forth below.

The CPSC Rules of Practice for Adjudicative Proceedings provide that any motion by a subpoena recipient to quash or limit the subpoena must be filed within five days of the date of service, 16 C.F.R. § 1025.38(g), which, in this instance, would require Mr. Brinkman to file any such motion on or before February 3, 2022. The CPSC subpoena requests voluminous documents as well as the testimony of Mr. Brinkman.

Given the scope of Complaint Counsel’s subpoena, the complexity of the underlying issues, and the time that has elapsed since Mr. Brinkman’s departure (in March of 2013) from the predecessor entity of the Respondent, the undersigned requests additional time in which to file a motion to quash or limit the subpoena.

For the foregoing reasons, Mr. Brinkman respectfully moves for an extension of time, up to and including March 2, 2022, in which to file a motion to quash or limit the subpoena pursuant to 16 C.F.R. § 1025.38(g). A proposed order is included herewith.

Dated: February 1, 2022



Peter L. Ney, Esq.
(OH Bar 0039284; KY Bar 84747)
RENDIGS, FRY, KIELY & DENNIS, LLP.
600 Vine Street, Suite 2650
Cincinnati, Ohio 45202
PH: (513) 381-9200 (General)
PH: (513) 381-9310 (Direct)
FX: (513) 381-9206
EM: pney@rendigs.com

Counsel for Non-Party Witness,
Kevin L. Brinkman

CERTIFICATE OF SERVICE

Pursuant to 16 C.F.R. § 1025.16, as adopted by the Presiding Officer in CPSC Docket No. 21-1, I hereby certify that on February 1, 2022, true and correct copies of the foregoing Motion for Extension of Time to Move to Quash or Limit Subpoena were filed with the Secretary of the U.S. Consumer Product Safety Commission and served on all parties and participants of record in these proceedings in the following manner:

By electronic mail to the Secretary of the U.S. Consumer Product Safety Commission:

Alberta Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
amills@cpsc.gov

By electronic mail to the Presiding Officer:

The Honorable Mary Withum, Administrative Law Judge
c/o Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
amills@cpsc.gov

By electronic mail to Complaint Counsel:

Mary B. Murphy
Complaint Counsel
Director
Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
mmurphy@cpsc.gov

Gregory M. Reyes, Trial Attorney
Michael J. Rogal, Trial Attorney
Frederick C. Millett, Trial Attorney

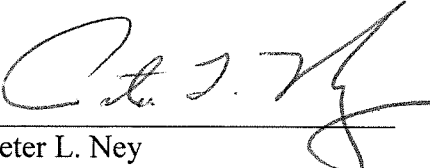
Joseph E. Kessler, Trial Attorney
Nicholas J. Linn, Trial Attorney
Complaint Counsel
Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
greyes@cpsc.gov
mrogal@cpsc.gov
fmillett@cpsc.gov
jkessler@cpsc.gov
nlinn@cpsc.gov

By electronic mail to counsel for Respondent:

Sheila A. Millar
Eric P. Gotting
S. Michael Gentine
Taylor D. Johnson
Anushka N. Rahman
Keller and Heckman LLP
1001 G St. NW, Suite 500 West
Washington, DC 20001
millar@khlaw.com
gotting@khlaw.com
gentine@khlaw.com
johnstont@khlaw.com
rahman@khlaw.com

Michael J. Garnier
Garnier & Garnier, P.C.
2579 John Milton Drive
Suite 200
Herndon, VA 20171
mjgarnier@garnierlaw.com

Meredith M. Causey
Quattlebaum, Grooms & Tull PLLC
111 Center Street
Suite 1900
Little Rock, AR 72201
mcausey@qgtlaw.com


Peter L. Ney