

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
)	
LEACHCO, INC.)	CPSC DOCKET NO. 22-1
)	
)	Hon. Michael G. Young
)	Presiding Officer
Respondent.)	
)	

COMPLAINT COUNSEL’S MOTION FOR PARTIAL SUMMARY DECISION

Pursuant to 16 C.F.R. §§ 1025.23 and 1025.25, Complaint Counsel hereby moves this Court for partial summary decision that (1) it is foreseeable that consumers will use the Leachco, Inc. Podster¹ for infant sleep; (2) it is foreseeable that consumers will use the Podster without constant supervision; and, (3) as a result, the Podster presents a substantial risk of injury.


There are no genuine issues of material fact on these issues and Complaint Counsel is entitled to partial summary decision as a matter of law. A memorandum of law in support of Complaint Counsel’s motion for partial summary decision is attached.

A proposed Order is also attached hereto pursuant to 16 C.F.R. § 1025.23(b).

¹ For the purposes of this Motion, “Podster” refers to the Podster line of products manufactured by Leachco, including the Podster, Podster Plush, Bummzie, and Podster Playtime. *See* Dkt. 1, Compl. ¶¶ 8–10.

Dated this 9th day of June, 2023

Respectfully submitted,



Gregory M. Reyes, Supervisory Attorney
Brett Ruff, Trial Attorney
Michael J. Rogal, Trial Attorney

Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
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Complaint Counsel for
U.S. Consumer Product Safety Commission

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**[PROPOSED] ORDER ON COMPLAINT COUNSEL’S
MOTION FOR PARTIAL SUMMARY DECISION**

This matter, having come before the Presiding Officer on Complaint Counsel’s Motion for Partial Summary Decision dated June 9, 2023, it is hereby ORDERED that Complaint Counsel’s Motion is GRANTED. It shall be further ORDERED that partial summary decision shall be entered as to the following issues:

- (1) it is foreseeable that consumers will use the Leachco, Inc. Podster² for infant sleep;
- (2) it is foreseeable that consumers will use the Podster without constant supervision;
- and,
- (3) as a result, the Podster presents a substantial risk of injury.

Done and dated _____ 2023.

Michael G. Young
Administrative Law Judge

² For the purposes of this Order, “Podster” refers to the Podster line of products manufactured by Leachco, including the Podster, Podster Plush, Bummzie, and Podster Playtime. See Dkt. 1, Compl. ¶¶ 8–10.

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I served Complaint Counsel's Motion for Partial Summary Decision, Memorandum of Law in Support of Complaint Counsel's Motion for Partial Summary Decision, and Declaration of Michael J. Rogal in Support of Complaint Counsel's Motion for Partial Summary Decision on all parties and participants or record in these proceedings as follows:

By email to the Secretary:

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

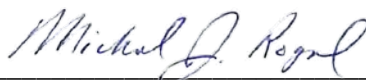
By email to the Presiding Officer:

Judge Michael G. Young
Presiding Officer and Administrative Law Judge
Federal Mine Safety and Health Review Commission
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By email to Counsel for Respondent:

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Michael J. Rogal
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