

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.	)	
	)	

**JOINT STIPULATIONS**

Pursuant to 16 C.F.R. §§ 1025.21 and the Court’s September 16, 2022 Order on Prehearing Schedule [Dkt. 35], Complaint Counsel and Respondent Leachco, Inc. respectfully submit these joint stipulations:

1. Leachco is an Oklahoma corporation founded in 1988 by Jamie Leach and Clyde Leach.
2. Leachco manufactures, distributes, and offers for sale more than 90 products for infants, children, and adults.
3. Leachco sells its products throughout the United States through retailers.
4. Leachco sells some of its products on its website [www.leachco.com](http://www.leachco.com).
5. Jamie Leach is Leachco’s Vice President and Chief of Product Development.
6. Jamie Leach designs Leachco’s products.
7. Clyde Leach is Leachco’s President and Chief Executive Officer.
8. Leachco has approximately 30 employees and is located in Ada, Oklahoma.
9. In this proceeding, “Podster” or “Podsters” refers to different models of Leachco

infant loungers, including the Podster, Podster Plush, Bummzie, and Podster Playtime models.

10. The Podsters were manufactured in Leachco's facilities in Ada, Oklahoma.

11. The Podsters were distributed and offered for sale to consumers for their personal use.

12. The Podster was first sold in 2009.

13. Since 2009, Leachco has manufactured and distributed in U.S. commerce approximately 180,000 Podsters.

14. The retail price for the Podster ranges from \$49 and \$89.

15. Leachco's website at <https://leachco.com/collections/baby/products/podster> states in part: "The Podster provides a warm and cozy caress for infants. The deeply contoured sides help keep the baby in place while the unique sling center expands with infant's weight. The adjustment tabs provide versatile support, cinch them in to create a cozier and more secure seat for smaller infants or release them to create a larger area for growing infants. The Podster provides upper body elevation, which can help aid in digestion and breathing."

16. Leachco's website at <https://leachco.com/pages/important-info> states in part: "The Podster® is specifically designed to help with daytime care of awake infants for the countless times each day when parents and caregivers need to free up their hands for the activities of daily life. The Podster® provides a safe, secure spot to place an infant on its back as the parent or caregiver supervises hands-free, able to prepare a meal, pay bills, check email, give a hand to siblings and many other daily tasks."

17. The main panel of the Podster's packaging contains the following warning: "For healthy infants ages newborn and up. Not intended for use by preemies. WARNING! TO PREVENT SERIOUS INJURY OR DEATH: Constant adult supervision is required at all times.

Do not allow the baby to lie face down or on side in the Podster®. For use on floor only. Never place in the crib, on the bed, table, playpen, counter or any elevated surface. Never move the Podster® while baby is on it. Do not use for sleeping. Intended to be used by healthy infants not to exceed 16 pounds, or until infant is able to roll over, push up on hands and knees; whichever is achieved first. Never leave child unattended.”

18. The Podster is not and has never been advertised by Leachco as a sleep product.

19. The Podster contains warnings that the product should not be used for sleep and that adult supervision is always required.

20. The Podster contains warnings that the product should only be used on the floor, and not in another product, such as a crib, on a bed, table, playpen, counter, or any elevated surface.

21. The Podster contains warnings that infants should not be placed prone or on their side in the product.

22. The Podster contains instructions that it should be used for infants not to exceed 16 pounds and should not be used if an infant can roll over.

23. The Podster contains warnings and instructions that use of the product in contravention to these warnings could result in serious injury or death.

24. Joint Exhibits JX-3 through JX-50 are authentic in this proceeding.

25. Complaint Counsel’s exhibits CCX-1 through CCX-43 are authentic in this proceeding.

26. Respondent Leachco’s exhibits RX-1 through RX-27 are authentic in this proceeding.

Dated this 14th day of July, 2023

Respectfully submitted,

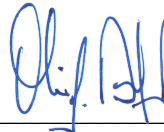


---

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  
Bethesda, MD 20814  
Tel: (301) 504-7220

Complaint Counsel for  
U.S. Consumer Product Safety Commission



---

OLIVER J. DUNFORD  
Florida Bar No. 1017791  
Pacific Legal Foundation  
4440 PGA Blvd., Suite 307  
Palm Beach Gardens, FL 33410  
Telephone: 916.503.9060  
Fax: 916.419.7747  
ODunford@pacificlegal.org

JOHN F. KERKHOFF  
Ohio Bar No. 0097134  
FRANK D. GARRISON  
Indiana Bar No. 34024-49  
JESSICA THOMPSON  
North Carolina Bar No. 48112  
Pacific Legal Foundation  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201  
Telephone: 202.888.6881  
Fax: 916.419.7747  
JKerkhoff@pacificlegal.org  
FGarrison@pacificlegal.org  
JLThompson@pacificlegal.org