

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

In the Matter of Amazon.com, Inc.,

Respondent.

CPSC Docket No. 21-2

Hon. Jason S. Patil
Presiding Officer

**RESPONDENT AMAZON’S OPPOSITION TO COMPLAINT COUNSEL’S REQUEST
FOR LEAVE TO LODGE AMENDED PROPOSED INITIAL ORDER**

Respondent Amazon.com, Inc. (“Amazon”) respectfully requests that the Presiding Officer deny Complaint Counsel’s request to lodge a new proposed order, filed without advance notice to Amazon and in contravention of the process summarized by the Presiding Officer at the end of the March 28, 2023 hearing on the pending cross-motions for summary decision. At the hearing, the Presiding Officer made clear his anticipated process for additional briefing or submissions in this matter. Complaint Counsel’s submission both disregards and preempts the Presiding Officer’s anticipated instructions. Complaint Counsel also continues to inject new requests for relief—by way of a proposed order—which it failed to make or substantiate in its motion for summary decision. With regard to the requests for relief Complaint Counsel actually raised in its motion for summary decision, those requests remain deficient for the numerous reasons set forth in Amazon’s briefs. Accordingly, Amazon will await any further instructions or orders by the Presiding Officer to respond, but respectfully requests that Complaint Counsel’s unilateral attempt to sidestep that process be denied.

Dated: April 12, 2023

Respectfully submitted,



Sarah L. Wilson
Stephen P. Anthony
Rukesh A. Korde
Thomas F. Brugato
Nicholas J. Griepsma

COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
202-662-5397
swilson@cov.com
santhony@cov.com
rkorde@cov.com
tbrugato@cov.com
ngriepsma@cov.com

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2023, a true and correct copy of the foregoing document was, pursuant to the Order Following Prehearing Conference entered by the Presiding Officer on October 19, 2021:

- filed by email to the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills, at amills@cpsc.gov, with a copy to the Presiding Officer at alj@sec.gov and to all counsel of record; and
- served to Complaint Counsel by email at jeustice@cpsc.gov, lwolf@cpsc.gov, and sanand@cpsc.gov.

Nicholas Griepsma

Nicholas J. Griepsma