

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

SECOND JOINT MOTION TO AMEND SCHEDULING ORDER

Complaint Counsel for the U.S. Consumer Product Safety Commission (“Complaint Counsel”) and Respondent jointly move the Court for an order amending the Final Pre-Hearing Order dated January 31, 2013 (the “Scheduling Order”) to extend the deadline to disclose the names of witnesses and of documents and other physical exhibits intended to be introduced into evidence until April 12, 2013.

The Scheduling Order requires the parties to disclose the names of witnesses and of documents and other physical exhibits intended to be introduced into evidence no later than March 21, 2013. Final Pre-Hearing Order at ¶¶ 11 and 13(d). The Scheduling Order also requires the parties to complete all responses to written discovery requests by March 21, 2013. *Id.* at ¶ 13(b). Complaint Counsel and Respondent are working to complete all written discovery as required by the Scheduling Order, but request a short extension of the deadline to disclose the names of witnesses and of documents and other physical exhibits intended to be introduced until April 12, 2013, after written discovery is completed and served.

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 C.F.R. § 1025.15(c). Pursuant to 16 C.F.R. § 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.”

Neither party would be prejudiced by this schedule, nor would the proposed change affect any other deadlines prescribed by the Scheduling Order, including the commencement of the Hearing on May 20, 2013.

(continued on following page)

Respectfully submitted,

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