

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

IN RE:

CPSC DOCKET NO.: 21-1

THYSSENKRUPP ACCESS CORP.

Respondent.

RESPONDENT'S MOTION TO STRIKE

Respondent TK Access Solutions Corp., formerly known as thyssenkrupp Access Corp. (“the Company”), hereby moves to strike two prayers for relief requested in the Complaint filed by the U.S. Consumer Product Safety Commission’s (“CPSC” or “the Commission”).

Specifically, the Company requests that certain portions of Subparagraph C(3) (to the extent that it requires reimbursement of costs incurred by consumers to purchase space guards or other safety devices not in response to an order issued in this matter) and the entirety of Paragraph D, both appearing in the “RELIEF SOUGHT” section of the Complaint, be stricken based on the ground that such forms of relief are beyond the authority of the CPSC as a matter of law and the Commission cannot order said relief pursuant to Section 15 of the Consumer Product Safety Act (“CPSA”), 15 U.S.C. § 2064.

A supporting memorandum is attached.

July 27, 2021

Respectfully submitted,



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Attorneys for Attorneys for Respondent,
TK Access Solutions Corp.

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2021, true and correct copies of the foregoing RESPONDENT'S MOTION TO STRIKE were served via U.S. Mail and/or electronic mail on the Secretary of the U.S. Consumer Product Safety Commission and all parties and participants of record in these proceedings in the following manner:

Original and three copies by U.S. Mail, first-class and postage prepaid, and one copy by electronic mail, to the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills:

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

As no Presiding Officer has been appointed as of this date, one copy by U.S. Mail, first-class and postage-prepaid, to the Presiding Officer in the care of the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills, at the above address.

One copy by electronic mail to:

Robert Kaye
Assistant Executive Director
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U.S. Consumer Product Safety Commission
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One copy by electronic mail to Complaint Counsel:

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