

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUDGMENT IN A CIVIL CASE

15-cv-371-wmc

SPECTRUM BRANDS,

Defendant.

This action came for consideration before the court with U. S. District Judge William M. Conley presiding. The issues have been considered on summary judgment and a bench trial and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that final judgment is entered in favor of plaintiff United States of America against defendant Spectrum Brands. Defendant is directed to pay civil penalties to plaintiff, the United States of America, in the amount of \$1,936,675.00 on or before October 30, 2017. This amount represents a civil penalty owed to the United States pursuant to 15 U.S.C. § 2069 and is not compensation for actual pecuniary loss and, therefore, is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. § 523(a)(7).

No interest shall accrue on the ordered payment if timely made. In the event of any default in payment, the entire unpaid amount shall constitute a debt due and immediately owing to plaintiff and post-judgment interest shall be assessed from the date of this order until payment is made as set forth in 28 U.S.C. § 1961.

IT IS FURTHER ORDERED AND ADJUDGED that a Permanent Injunction pursuant to Federal Rule of Civil Procedure 65 is ENTERED under the following terms and conditions:

- A. Defendant shall maintain sufficient systems, programs, and internal controls to ensure compliance with the CPSA and the regulations enforced by the CPSC including, without limitation, the section 15(b) reporting requirement under 15 U.S.C. §§ 2064)b(3)-(4) and the prohibition of the sale of recalled products under 15 U.S.C. § 2068(a)(2)(B).


B. Defendant shall, on or before October 13, 2017, disseminate copies of both the civil penalty and summary judgment opinions and orders (dks. ##196, 234) by personal service or certified mail to each of its directors, officers, management-level employees, and in-house attorneys involved in the sale, offering for sale, manufacture, distribution in commerce, or importation into the United States of “consumer products” as defined in the CPSA, 15 U.S.C. § 2052(a)(5) (collectively, “Associated Persons”).

C. Defendant must implement appropriate improvements to its compliance programs as required under this subsection A above within 6 months after the date of this order. At that time, defendant shall file with this court a notice indicating that improvements have been implemented to avoid a repetition of the violations discussed in this opinion and order.


D. This court will retain jurisdiction of this action for the purposes of construing, enforcing, or modifying this order and granting such additional relief as may be necessary or appropriate.

E. The United States may seek reasonable costs and attorney’s fees upon succeeding in a suit to enforce this order.

Approved as to form this 2nd day of October, 2017.



William M. Conley, District Judge



Peter Oppeneer, Clerk of Court

10/3/17
Date