

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00371-wmc**

United States of America v. Spectrum Brands, Inc.
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:1331 Fed. Question

Date Filed: 06/17/2015
Date Terminated: 10/03/2017
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

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TERMINATED: 06/14/2017

V.

Defendant

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represented by **Timothy Leffard Mullin , Jr.**
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Date Filed	#	Docket Text
06/17/2015	<u>1</u>	COMPLAINT against Spectrum Brands, Inc.. Service to be completed by Waiver of Service of Summons., filed by United States of America. (Attachments: # <u>1</u> JS-44 Civil Cover Sheet) (Phelps, Alan) (Entered: 06/17/2015)
06/18/2015		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (voc) (Entered: 06/18/2015)
06/18/2015		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: Corporate Disclosure Statement , Order Regarding Assignment of Civil Cases , Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment , Order on Dispositive Motions . (voc) (Entered: 06/18/2015)
07/07/2015	<u>2</u>	Waiver of Service Returned Executed by Defendant Spectrum Brands, Inc. Spectrum Brands, Inc. waiver sent on 6/17/2015, answer due 8/17/2015. (Phelps, Alan) (Entered: 07/07/2015)
08/07/2015	<u>3</u>	Motion to Admit Timothy Leffard Mullin, Jr., Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1612148.) by Defendant Spectrum Brands, Inc. (Mullin, Timothy) (Entered: 08/07/2015)
08/07/2015	4	** TEXT ONLY ORDER ** ORDER granting <u>3</u> Motion to Admit Timothy Leffard Mullin, Jr., Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/7/2015. (lak) (Entered: 08/07/2015)
08/07/2015	<u>5</u>	Notice of Appearance filed by Thomas Edward Ross for Plaintiff United States of America. (Ross, Thomas) (Entered: 08/07/2015)
08/14/2015	<u>6</u>	MOTION TO DISMISS <i>Count IV of Plaintiff's Complaint for Failure to State a Claim</i> by Defendant Spectrum Brands, Inc. Brief in Opposition due 9/4/2015. Brief in Reply due 9/14/2015. (Attachments: # <u>1</u> Text of Proposed Order) (Mullin, Timothy) Modified on 8/17/2015: Brief in Support must be filed as a separate docket entry. (lak) Modified on 11/18/2016 (voc). (Entered: 08/14/2015)
08/14/2015	<u>7</u>	Corporate Disclosure Statement by Defendant Spectrum Brands, Inc. (Mullin, Timothy) (Entered: 08/14/2015)
08/17/2015		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 9/11/2015 at 02:30 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up

the call to chambers at (608) 264-5153. [[Standing Order Governing Preliminary Pretrial Conference](#) attached] (voc) (Entered: 08/17/2015)

- 08/17/2015 [8](#) Brief in Support of [6](#) Motion to Dismiss, by Defendant Spectrum Brands, Inc. (Mullin, Timothy) (Entered: 08/17/2015)
- 08/19/2015 Telephone Pretrial Conference rescheduled from 9/11/2015 to 9/18/2015 at 02:30 PM at the request of counsel for the defendant. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [[Standing Order Governing Preliminary Pretrial Conference](#) attached] (voc) (Entered: 08/19/2015)
- 08/21/2015 Case randomly reassigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker. (cak) (Entered: 08/21/2015)
- 08/21/2015 [9](#) Notice of Appearance filed by Eric J. Wilson for Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 8/24/2015. (lak) (Entered: 08/21/2015)
- 08/31/2015 [10](#) Motion to Admit Kevin James Penhallegon Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1628150.) by Defendant Spectrum Brands, Inc.. Motions referred to Magistrate Judge Stephen L. Crocker. (Penhallegon, Kevin) (Entered: 08/31/2015)
- 08/31/2015 11 ** TEXT ONLY ORDER **
ORDER granting [10](#) Motion to Admit Kevin James Penhallegon Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 8/31/2015. (lak) (Entered: 08/31/2015)
- 09/04/2015 [12](#) Brief in Opposition by Plaintiff United States of America re: [6](#) Motion to Dismiss, filed by Spectrum Brands, Inc. (Ross, Thomas) (Entered: 09/04/2015)
- 09/14/2015 [13](#) Brief in Reply by Defendant Spectrum Brands, Inc. in Support of [6](#) Motion to Dismiss, (Attachments:
[1](#) Exhibit A - United States v. Brooklyn Sleep Products, Inc. and Francisco Chavez) (Penhallegon, Kevin) Modified on 9/15/2015: Added the exhibit description. (lak) (Entered: 09/14/2015)
- 09/15/2015 [14](#) Joint Preliminary Pretrial Conference Report by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/15/2015)
- 09/24/2015 Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 9/18/2015 [:15] (cak) (Entered: 09/24/2015)
- 09/28/2015 [15](#) Pretrial Conference Order - Amendments to Pleadings due 10/30/2015. Dispositive Motions due 5/6/2016. Settlement Letters due 8/10/2016. Motions in Limine due 9/30/2016. Response to Motion due 10/14/2016. Final Pretrial Conference set for 10/25/2016 at 04:00 PM. Jury Selection and Trial set for 11/7/2016 at 09:00 AM.. Signed by Magistrate Judge Stephen L. Crocker on 9/25/2015. (voc) (Entered: 09/28/2015)
- 10/27/2015 [16](#) Notice of Appearance filed by Erika Ziebarth Jones for Defendant Spectrum Brands, Inc. (Jones, Erika) (Entered: 10/27/2015)
- 02/16/2016 [17](#) Notice by Defendant Spectrum Brands, Inc., *Regarding Expert Disclosure Deadlines*. (Wilson, Eric) Modified on 2/16/2016. (lak) (Entered: 02/16/2016)
- 02/16/2016 18 ** TEXT ONLY ORDER **
In response to the February 16, 2106 letter (dkt. [17](#)) seeking clarification of this court's practices regarding expert disclosures, the court's position for years has been that the party that has the burden of persuasion on the issue on which the expert is offering an opinion is the "proponent," regardless how that party is denominated in the case caption. The respondent is any other party that wishes to call an expert on that issue. Respondents are entitled to wait to

see if the proponent has experts and what those experts say, before a respondent needs to commit to calling experts of its own. Respondents are entitled to call experts on a topic on which the proponent did not disclose an expert, and their deadline to do so is the respondent's deadline, not the proponent's. This is a common practice in prisoner litigation under Section 1983. A proponent has no right to demand that the respondent go first, then determine if the proponent wishes to respond because this would turn the court's procedure on its head. At most, a proponent may seek leave of court to rebut a respondent's expert; any such motion for leave would have to persuade the court that this would not result in sandbagging. Signed by Magistrate Judge Stephen L. Crocker on 2/16/2016. (voc) (Entered: 02/16/2016)

- 02/19/2016 [19](#) Notice of Appearance filed by Mark Warren Hancock for Defendant Spectrum Brands, Inc. (Hancock, Mark) (Entered: 02/19/2016)
- 02/19/2016 [20](#) Motion for Leave to File *Motion for Partial Summary Judgment Based on the Statute of Limitations Without Prejudice to Filing a Successive Motion for Summary Judgment* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/19/2016)
- 02/19/2016 [21](#) Brief in Support of [20](#) Motion for Leave to File *Motion for Partial Summary Judgment Based on the Statute of Limitations Without Prejudice to Filing a Successive Motion for Summary Judgment* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/19/2016)
- 02/23/2016 [22](#) ** TEXT ONLY ORDER **
The government has until February 29, 2016, to advise whether it objects to defendant's motion to file a partial summary judgment without prejudice to filing a successive motion (dkt. # [20](#)) and, if so, on what grounds. No reply will be accepted unless asked for by the court. Brief in Opposition due 2/29/2016. Signed by District Judge William M. Conley on 2/23/2016. (voc) (Entered: 02/23/2016)
- 02/29/2016 [23](#) Brief in Opposition by Plaintiff United States of America re: [20](#) Motion for Leave to File filed by Spectrum Brands, Inc. (Ross, Thomas) (Entered: 02/29/2016)
- 02/29/2016 [24](#) ** TEXT ONLY ORDER **
Having reviewed the parties respective briefs, the court GRANTS defendant's motion for leave to file for partial summary judgment based on statute of limitations defense without prejudice to filing a successive motion on other grounds (dkt. # [20](#)) provided the motion and supporting materials is filed on or before March 11, 2016; plaintiff will have 21 days to respond to such motion and defendant 7 days to reply. Signed by District Judge William M. Conley on 2/29/2016. (voc) (Entered: 02/29/2016)
- 03/07/2016 [25](#) Disregard. Unsigned/Undated. Joint Motion for Protective Order by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 3/7/2016. (lak) (Entered: 03/07/2016)
- 03/07/2016 [26](#) Joint Motion for Protective Order by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 03/07/2016)
- 03/11/2016 [27](#) ** TEXT ONLY ORDER **
The proposed agreed protective order [26](#) is accepted and entered. Signed by Magistrate Judge Stephen L. Crocker on 3/11/2016. (kwf) (Entered: 03/11/2016)
- 03/11/2016 [28](#) Deposition of Belinda R. Dahlman taken on 1/11/2016 - *Volume I. (Sealed Document)* (Wilson, Eric) (Entered: 03/11/2016)
- 03/11/2016 [29](#) Deposition of Belinda R. Dahlman taken on 1/12/2016 - *Volume II. (Sealed Document)* (Wilson, Eric) (Entered: 03/11/2016)
- 03/11/2016 [30](#) **MOTION FOR PARTIAL SUMMARY JUDGMENT as to Counts I and II Based on the Statute of Limitations** by Defendant Spectrum Brands, Inc. Brief in Opposition due 4/11/2016.

Brief in Reply due 4/25/2016. (Wilson, Eric) Modified on 3/14/2016: Corrected docketing event. (lak) Modified on 11/18/2016 (voc). (Entered: 03/11/2016)

- 03/11/2016 [31](#) Brief in Support of [30](#) Motion for Partial Summary Judgment *as to Counts I and II Based on the Statute of Limitations* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 3/14/2016. (lak) (Entered: 03/11/2016)
- 03/11/2016 [32](#) Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [30](#) Motion for Partial Summary Judgment *as to Counts I and II Based on the Statute of Limitations*. (Wilson, Eric) Modified on 3/14/2016. (lak) (Entered: 03/11/2016)
- 03/11/2016 [33](#) Disregard. See [35](#) . (Sealed Document) Modified on 3/14/2016. (lak) (Entered: 03/11/2016)
- 03/11/2016 [34](#) Redaction to [35](#) Declaration of *James Hemmings* by Defendant Spectrum Brands, Inc., (Attachments:
[1](#) Exhibit A - Sealed,
[2](#) Exhibit B - USA's Objection and Responses to Spectrum's First Set of Interrogatories,
[3](#) Exhibit C - Sealed,
[4](#) Exhibit D - Sealed,
[5](#) Exhibit E - Sealed,
[6](#) Exhibit F - Sealed,
[7](#) Exhibit G - Sealed,
[8](#) Exhibit H - Sealed) (Wilson, Eric) Modified on 3/14/2016. (lak) (Entered: 03/11/2016)
- 03/14/2016 Set/Reset Briefing Deadlines as to [30](#) MOTION FOR PARTIAL SUMMARY JUDGMENT. Brief in Opposition due 4/1/2016. Brief in Reply due 4/8/2016. (voc) (Entered: 03/14/2016)
- 03/14/2016 [35](#) Declaration of James Hemmings filed by Defendant Spectrum Brands, Inc. re: [30](#) Motion for Partial Summary Judgment, (Sealed Document) (Attachments:
[1](#) Exhibit A - CPSC Reports,
[2](#) Exhibit B - USA's Objection and Responses to Spectrum's First Set of Interrogatories,
[3](#) Exhibit C - June 5, 2012 letter sent from the CPSC to counsel for Applica Consumer Products, Inc.,
[4](#) Exhibit D - Exhibit 1 to the Jan. 11, 2016 Deposition of Bini Dahlman,
[5](#) Exhibit E - Oct. 19, 2012 letter sent from the CPSC to counsel for Applica,
[6](#) Exhibit F - Jan. 15, 2013 letter sent from counsel for Applica to the CPSC,
[7](#) Exhibit G - Feb. 27, 2014 letter sent from the CPSC to counsel for Applica,
[8](#) Exhibit H - Jan. 28, 2016 letter sent from the CPSC to counsel for Applica) (Wilson, Eric) (Entered: 03/14/2016)
- 03/18/2016 [36](#) Notice of Supplemental Authority by Defendant Spectrum Brands, Inc. re: [30](#) MOTION FOR PARTIAL SUMMARY JUDGMENT, (Attachments:
[1](#) Opinion in *Sierra Club v. Oklahoma Gas and Electric Co.*) (Wilson, Eric) Modified on 3/21/2016: Corrected typo. (lak) (Entered: 03/18/2016)
- 03/22/2016 [37](#) Amended Agreed Motion for Protective Order by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 03/22/2016)
- 03/25/2016 38 ** TEXT ONLY ORDER **
Order accepting and entering [37](#) Motion for Protective Order. Signed by Magistrate Judge Stephen L. Crocker on 3/25/2016. (voc) (Entered: 03/25/2016)
- 03/31/2016 [39](#) Notice of Supplemental Authority by Plaintiff United States of America re: [6](#) Motion to Dismiss, (Attachments:
[1](#) Exhibit A - Zen Magnets Opinion) (Ross, Thomas) Modified on 3/31/2016: Linked to the pending motion. (lak) (Entered: 03/31/2016)

04/01/2016 [40](#) Brief in Opposition by Plaintiff United States of America re: [30](#) Motion for Partial Summary Judgment, filed by Spectrum Brands, Inc. (Ross, Thomas) (Entered: 04/01/2016)

04/01/2016 [41](#) Response to Proposed Findings of Fact filed by Plaintiff United States of America re: [30](#) Motion for Partial Summary Judgment. (Ross, Thomas) (Entered: 04/01/2016)

04/04/2016 [42](#) Response to [39](#) Notice of Supplemental Authority by Defendant Spectrum Brands, Inc. (Penhallegon, Kevin) (Entered: 04/04/2016)

04/08/2016 [43](#) Brief in Reply by Defendant Spectrum Brands, Inc. in Support of [30](#) Motion for Partial Summary Judgment *as to Counts I and II Based on the Statute of Limitations*. (Wilson, Eric) Modified on 4/11/2016. (lak) (Entered: 04/08/2016)

04/08/2016 [44](#) Reply in Support of Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [30](#) Motion for Partial Summary Judgment *as to Counts I and II Based on the Statute of Limitations*. (Wilson, Eric) Modified on 4/11/2016. (lak) (Entered: 04/08/2016)

04/19/2016 [45](#) Motion for Protective Order by Movant Weber Distribution LLC. (Stanaszak, Steven) Modified on 11/18/2016 (voc/krc). (Entered: 04/19/2016)

04/19/2016 [46](#) Declaration of Richard Grennon filed by Movant Weber Distribution LLC re: [45](#) Motion for Protective Order, (Attachments: # [1](#) Exhibit A - Letter Dated 3/21/2016 and Subpoena, # [2](#) Exhibit B - Letter Dated 4/5/2016 and Subpoena) (Stanaszak, Steven) Modified on 4/20/2016: Added exhibit descriptions. (lak) (Entered: 04/19/2016)

04/19/2016 [47](#) Declaration of Steven F. Stanaszak filed by Movant Weber Distribution LLC re: [45](#) Motion for Protective Order, (Attachments: # [1](#) Exhibit A - Letter Dated 4/18/2016) (Stanaszak, Steven) Modified on 4/20/2016: Added exhibit description. (lak) (Entered: 04/19/2016)

04/19/2016 [48](#) ** TEXT ONLY ORDER **
On April 19, 2016, third party Weber Distribution, LLC filed a motion [dkt. [45](#)] for protection from two subpoenas, one from each party in this lawsuit. Weber wants either more time to comply or to have this court quash the subpoenas. The request for more response time is GRANTED in principle: the parties are to contact Weber's counsel to agree on new deadlines, then report to the court that they have resolved this issue. If the parties cannot agree with Weber on new deadlines, then the parties must promptly notify the court so that it can set a hearing on the instant motion. At any hearing on the motion, the court reserves the option of quashing either or both subpoenas, as the ends of justice might require. Signed by Magistrate Judge Stephen L. Crocker on 4/19/16. (jat) (Entered: 04/19/2016)

04/26/2016 [49](#) Notice by Plaintiff United States of America re: [45](#) Motion for Protective Order, 48 Text Only Order. (Ross, Thomas) Modified on 4/26/2016. (lak) (Entered: 04/26/2016)

05/06/2016 [50](#) Joint Stipulation for Summary Judgment Exhibits by Plaintiff United States of America. (Ross, Thomas) Modified on 11/18/2016 (voc/krc). (Entered: 05/06/2016)

05/06/2016 [51](#) **MOTION FOR SUMMARY JUDGMENT** by Plaintiff United States of America. Brief in Opposition due 6/6/2016. Brief in Reply due 6/20/2016. (Ross, Thomas) Modified on 11/18/2016 (voc). (Entered: 05/06/2016)

05/06/2016 [52](#) Motion to Seal *Exhibits to Proposed Findings of Fact* by Plaintiff United States of America. Motions referred to Magistrate Judge Stephen L. Crocker. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [53](#) Brief in Support of [51](#) Motion for Summary Judgment by Plaintiff United States of America. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [54](#) Disregard. See [79](#) . Modified on 5/9/2016. (lak) (Entered: 05/06/2016)

05/06/2016 [55](#) Declaration of Thomas E. Ross filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [56](#) Declaration of Tanya Topka filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [57](#) Declaration of Christopher J. Paparo filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Complaints Spreadsheet) (Ross, Thomas) Modified on 5/8/2016. (lak) (Entered: 05/06/2016)

05/06/2016 [58](#) Disregard. See [80](#) . Modified on 5/9/2016. (lak) (Entered: 05/06/2016)

05/06/2016 [59](#) Declaration of Dr. John P. Abraham filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit A - Expert Report (Also see [83](#) .) (Ross, Thomas) Modified on 5/9/2016: Expert report to be filed as a separate docket entry with attachment 1 attached separately and described. (lak) (Entered: 05/06/2016)

05/06/2016 [60](#) Deposition of Nigel Stamp taken on 2/25/2016 (*Redacted*). (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [61](#) Deposition of Stuart Slugh taken on 3/15/2016. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [62](#) Deposition of Leslie Campbell taken on 4/12/2016. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [63](#) Deposition of Peter Taube taken on 4/13/2016. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [64](#) Deposition of Michael Olmsted taken on 3/29/2016. (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [65](#) Deposition of Bryan Mihlbauer taken on 4/22/2016 (*Rule 30(b)(6) Witness*). (Ross, Thomas) (Entered: 05/06/2016)

05/06/2016 [66](#) Disregard. See [84](#) and [85](#) . (Sealed Document) Modified on 5/10/2016. (lak) (Entered: 05/06/2016)

05/06/2016 [67](#) Deposition of Vincent J. Amodeo taken on 3/22/2016. (Sealed Document) (Wilson, Eric) (Entered: 05/06/2016)

05/06/2016 [68](#) Deposition of Judith Hayes taken on 3/17/2016. (Sealed Document) (Wilson, Eric) (Entered: 05/06/2016)

05/06/2016 [69](#) Deposition of Tanya Lynn Topka taken on 3/21/2016. (Sealed Document) (Wilson, Eric) (Entered: 05/06/2016)

05/06/2016 [70](#) Deposition of Mary F. Toro taken on 3/24/2016. (Sealed Document) (Wilson, Eric) (Entered: 05/06/2016)

05/06/2016 [71](#) Expert Report of John F. Morrall III, Ph.D. by Defendant Spectrum Brands, Inc., (Sealed Document) (Attachments: # [1](#) Appendix A - CV of John Morrall III, Ph.D., # [2](#) Appendix B - CPSC Cases Reviewed) (Wilson, Eric) Modified on 5/8/2016. (lak) (Entered: 05/06/2016)

05/06/2016 [72](#) Expert Report of Alan H. Schoem by Defendant Spectrum Brands, Inc., (Sealed Document) (Attachments: # [1](#) Attachment 1 - List of Documents Reviewed, # [2](#) Attachment 2 - CV of Alan H. Schoem,

[3](#) Attachment 3 - Schoem Deposition and Trial Testimony) (Wilson, Eric) Modified on 5/8/2016. (lak) (Entered: 05/06/2016)

- 05/06/2016 [73](#) **MOTION FOR PARTIAL SUMMARY JUDGMENT *as to Counts I and II.*** by Defendant Spectrum Brands, Inc. Brief in Opposition due 6/6/2016. Brief in Reply due 6/20/2016. (Wilson, Eric) Modified on 5/8/2016: Removed duplicate text. (lak) Modified on 11/18/2016 (voc). (Entered: 05/06/2016)
- 05/06/2016 [74](#) Declaration of John F. Morrall, Ph.D. filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment. (Wilson, Eric) (Entered: 05/06/2016)
- 05/06/2016 [75](#) Declaration of Alan H. Schoem filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment. (Wilson, Eric) (Entered: 05/06/2016)
- 05/06/2016 [76](#) Declaration of James Hemmings filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment, (Sealed Document) (Attachments:
[1](#) Exhibit 1 - Consumer Product Safety Commission Recall Handbook (2012),
[2](#) Exhibit 2 - Consumer Product Safety Commission, Office of Compliance Recalls & Compliance Division, Section 15 Procedures Manual (Apr. 1, 2002),
[3](#) Exhibit 3 - Exhibit 2 to the March 17, 2016 Deposition of Judith Hayes (USA-00013088-104),
[4](#) Exhibit 4 - Exhibit 4 to the March 17, 2016 Deposition of Judith Hayes (USA-00013230-56),
[5](#) Exhibit 5 - Exhibit 9 to the March 17, 2016 Deposition of Judith Hayes (USA-00013175-76),
[6](#) Exhibit 6 - Exhibit 10 to the March 17, 2016 Deposition of Judith Hayes (USA-00013291-404)(Pages 70-72 are upside down.),
[7](#) Exhibit 7 - Exhibit 18 to the March 17, 2016 Deposition of Judith Hayes (USA-00013405-08),
[8](#) Exhibit 8 - Exhibit 19 to the March 17, 2016 Deposition of Judith Hayes (USA-00013177-80),
[9](#) Exhibit 9 - Documents produced by the Plaintiff related to CPSC Case,
[10](#) Exhibit 10 - Documents produced by the Plaintiff related to CPSC Case,
[11](#) Exhibit 11 - Documents produced by the Plaintiff related to CPSC Case,
[12](#) Exhibit 12 - Documents produced by the Plaintiff related to CPSC Case,
[13](#) Exhibit 13 - Documents produced by the Plaintiff related to CPSC Case,
[14](#) Exhibit 14 - Documents produced by the Plaintiff related to CPSC Case,
[15](#) Exhibit 15 - Documents produced by the Plaintiff related to CPSC Case,
[16](#) Exhibit 16 - Documents produced by the Plaintiff related to CPSC Case,
[17](#) Exhibit 17 - Documents produced by the Plaintiff related to CPSC's Decision to Refer the Case,
[18](#) Exhibit 18 - USA's Objections and Responses to Spectrum's Second Requests for Production of Documents,
[19](#) Exhibit 19 - USA's Objections and Responses to Spectrum's First Requests for Admissions, Second and Third Interrogatories and Third Request for Production,
[20](#) Exhibit 20 - USA's Response to Spectrum's Request for Production No. 7) (Wilson, Eric) Modified on 5/9/2016. (lak) (Entered: 05/06/2016)
- 05/07/2016 [77](#) Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment. (Sealed Document) (Wilson, Eric) Modified on 5/8/2016. (lak) (Entered: 05/07/2016)
- 05/07/2016 [78](#) Brief in Support of [73](#) Motion for Partial Summary Judgment by Defendant Spectrum Brands, Inc. (Sealed Document) (Wilson, Eric) Modified on 5/8/2016. (lak) (Entered: 05/07/2016)

- # [1](#) Exhibit 1 - Spectrum Responses to Interrogatories Feb. 5, 2016,
- # [2](#) Exhibit 2 - Declaration of Nigel Stamp re: Interrogatories Feb. 12, 2016,
- # [3](#) Exhibit 3 - Spectrum Supplemental Response to Interrogatories Feb. 19, 2016,
- # [4](#) Exhibit 4 - Letter from Applicata to CPSC, Jan. 15, 2013,
- # [5](#) Exhibit 5 - Returned Product Analysis, March 27, 2009,
- # [6](#) Exhibit 6 - Returned Product Analysis, April 16, 2009,
- # [7](#) Exhibit 7 - Engineering Change Request, April 9, 2009,
- # [8](#) Exhibit 9 - Excerpt from September 2010 Complaints,
- # [9](#) Exhibit 10 - Excerpt from January 2011 Complaints,
- # [10](#) Exhibit 11 - Excerpt from April 2010/Jan. 2011 Complaints,
- # [11](#) Exhibit 12 - Excerpt from Oct. 2011 Complaints,
- # [12](#) Exhibit 13 - Spectrum Initial § 15 Report, April 3, 2012,
- # [13](#) Exhibit 14 - Spectrum Supp. § 15 Report, April 27, 2012,
- # [14](#) Exhibit 15 - Excerpt from March 2009/May 2009 Complaints,
- # [15](#) Exhibit 18 - Spectrum Letter to CPSC, June 28, 2013,
- # [16](#) Exhibit 19 - Spectrum Letter to CPSC, July 22, 2013,
- # [17](#) Exhibit 20 - Spectrum Letter to CPSC, Sept. 11, 2013,
- # [18](#) Exhibit 21 - Nigel Stamp Email, June 19, 2013,
- # [19](#) Exhibit 24 - Excerpt from Feb. 2009/March 2009 Complaints,
- # [20](#) Exhibit 25 - Excerpt from March 2009 Complaints,
- # [21](#) Exhibit 26 - Email Taube to Slugh and Campbell, April 4, 2009,
- # [22](#) Exhibit 27 - Email Chain, April 2009,
- # [23](#) Exhibit 28 - CPSC Letter to Applicata, June 30, 2009,
- # [24](#) Exhibit 29 - Excerpt from July 2009 Complaints,
- # [25](#) Exhibit 30 - Excerpt from Sept. 2009 Complaints,
- # [26](#) Exhibit 31 - Excerpt from Oct. 2009 Complaints,
- # [27](#) Exhibit 32 - Excerpt from April 2009 Complaints,
- # [28](#) Exhibit 33 - Email Taube to Slugh, May 5, 2010,
- # [29](#) Exhibit 34 - Excerpt from Sept. 2010 Complaints,
- # [30](#) Exhibit 40 - Spectrum Product Holds SOP, May 23, 2012,
- # [31](#) Exhibit 57 - Email Hall to Olmstead, June 27, 2013,
- # [32](#) Exhibit 62 - Email Mortensen to Fraundorfer, July 25, 2013,
- # [33](#) Exhibit 65 - Product Hold Notice, Mar. 23, 2012,
- # [34](#) Exhibit 67 - Request for Corrective Action, Apr. 1, 2009,
- # [35](#) Exhibit 68 - Product Analysis Report, June 15, 2009,
- # [36](#) Exhibit 69 - Engineering Change Notice, June 26, 2009,
- # [37](#) Exhibit 90 - Letter from CPSC to Applicata, June 24, 2010),
- # [38](#) Exhibit 92 - Coffeemaker "Use and Care Book",
- # [39](#) Exhibit 93 - Product Specifications for Coffeemakers,
- # [40](#) Exhibit 94 - Spectrum Second Supplemental Response to U.S. First Set of Interrogatories Mar. 25, 2016,
- # [41](#) Exhibit 95 - U.S. First Request for Production and Admission, Oct. 29, 2015,
- # [42](#) Exhibit 96 - Spectrum Response to First Request for Production and First Request for Admission, Dec. 7, 2015),
- # [43](#) Exhibit 97 - CPSC Press Releases,
- # [44](#) Exhibit 98 - Excerpts from Complaints, various dates,
- # [45](#) Exhibit 99 - CPSC Recall Handbook,
- # [46](#) Exhibit 100 - Declaration of Dr. John Abraham, May 4, 2016, and Expert Report,
- # [47](#) Exhibit 101 - Deposition of Nigel Stamp, Feb. 25, 2016,
- # [48](#) Exhibit 102 - Deposition of Stuart Slugh, Mar. 15, 2016,

[49](#) Exhibit 103 - Deposition of Leslie Campbell, Apr. 12, 2016,
[50](#) Exhibit 104 - Deposition of Peter Taube, Apr. 13, 2016,
[51](#) Exhibit 105 - Deposition of Michael Olmsted, Mar. 29, 2016,
[52](#) Exhibit 106 - Deposition of Bryan Mihlbauer (30(b)(6) witness), Apr. 22, 2016,
[53](#) Exhibit 107 - Declaration of Thomas Ross, May 6, 2016,
[54](#) Exhibit 108 - Declaration of Christopher Paparo, May 6, 2016,
[55](#) Exhibit 109 - Declaration of Thomas Schroeder, May 5, 2016,
[56](#) Exhibit 110 - Declaration of Tanya Topka, May 5, 2016) (Ross, Thomas) Modified on 5/9/2016: Corrected typos, linked to the sealed version, etc. (lak) (Entered: 05/08/2016)

05/08/2016

[80](#) Redaction to [84](#) Declaration of Thomas John Schroeder filed by Plaintiff United States of America, (Attachments:
[1](#) Exhibit A - Clearinghouse Form Letter,
[2](#) Exhibit B1 - Consumer Incident Report,
[3](#) Exhibit B2 - Consumer Incident Report,
[4](#) Exhibit B3 - Consumer Incident Report,
[5](#) Exhibit B4 - Consumer Incident Report,
[6](#) Exhibit B5 - Consumer Incident Report,
[7](#) Exhibit B6 - Consumer Incident Report,
[8](#) Exhibit B7 - Consumer Incident Report,
[9](#) Exhibit B8 - Consumer Incident Report) (Ross, Thomas) Modified on 5/9/2016: Linked to sealed version, etc. (lak) (Entered: 05/08/2016)

05/09/2016

81 ** TEXT ONLY ORDER **
ORDER granting [52](#) Motion to Seal Signed by Magistrate Judge Stephen L. Crocker on 5/9/2016. (voc) (Entered: 05/09/2016)

05/09/2016

[83](#) Expert Report of Dr. John P. Abraham by Plaintiff United States of America. (Ross, Thomas) Modified on 5/10/2016: Attachment 1 is not separated. (lak) (Entered: 05/09/2016)

05/09/2016

[84](#) Declaration of Thomas John Schroeder filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment, ([Sealed Document](#)) (Attachments:
[1](#) Exhibit A - Clearinghouse Form Letter,
[2](#) Exhibit B1 - Consumer Incident Report,
[3](#) Exhibit B2 - Consumer Incident Report,
[4](#) Exhibit B3 - Consumer Incident Report,
[5](#) Exhibit B4 - Consumer Incident Report,
[6](#) Exhibit B5 - Consumer Incident Report,
[7](#) Exhibit B6 - Consumer Incident Report,
[8](#) Exhibit B7 - Consumer Incident Report,
[9](#) Exhibit B8 - Consumer Incident Report) (Ross, Thomas) Modified on 5/10/2016. (lak) (Entered: 05/09/2016)

05/09/2016

[85](#) Proposed Findings of Fact filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment, ([Sealed Document](#)) (Attachments:
[1](#) Exhibit - Spectrum Response to Interrogatories Feb. 5, 2016),
[2](#) Exhibit 2 - Declaration of Nigel Stamp re: Interrogatories Feb. 12, 2016),
[3](#) Exhibit 3 - Spectrum Supplemental Response to Interrogatories Feb. 19, 2016,
[4](#) Exhibit 4 - Letter from Applicata to CPSC, Jan. 15, 2013,
[5](#) Exhibit 5 - Returned Product Analysis, March 27, 2009,
[6](#) Exhibit 6 - Returned Product Analysis, April 16, 2009,
[7](#) Exhibit 7 - Engineering Change Request, April 9, 2009,
[8](#) Exhibit 9 - Excerpt from September 2010 Complaints,
[9](#) Exhibit 10 - Excerpt from January 2011 Complaints,

- # [10](#) Exhibit 11 - Excerpt from April 2010/Jan. 2011 Complaints,
- # [11](#) Exhibit 12 - Excerpt from Oct. 2011 Complaints,
- # [12](#) Exhibit 13 - Spectrum Initial § 15 Report, April 3, 2012,
- # [13](#) Exhibit 14 - Spectrum Supplemental § 15 Report, April 27, 2012,
- # [14](#) Exhibit 15 - Excerpt from March 2009 / May 2009 Complaints,
- # [15](#) Exhibit 18 - Spectrum Letter to CPSC, June 28, 2013,
- # [16](#) Exhibit 19 - Spectrum Letter to CPSC, July 22, 2013,
- # [17](#) Exhibit 20 - Spectrum Letter to CPSC, Sept. 11, 2013,
- # [18](#) Exhibit 21 - Nigel Stamp Email, June 19, 2013,
- # [19](#) Exhibit 24 - Excerpt from Feb. 2009/March 2009 Complaints,
- # [20](#) Exhibit 25 - Excerpt from March 2009 Complaints,
- # [21](#) Exhibit 26 - Email Taube to Slugh and Campbell, April 4, 2009,
- # [22](#) Exhibit 27 - Email chain, April 2009,
- # [23](#) Exhibit 28 - CPSC Letter to Applica, June 30, 2009,
- # [24](#) Exhibit 29 - Excerpt from July 2009 Complaints,
- # [25](#) Exhibit 30 - Excerpt from Sept. 2009 Complaints,
- # [26](#) Exhibit 31 - Excerpt from Oct. 2009 Complaints,
- # [27](#) Exhibit 32 - Excerpt from April 2009 Complaints,
- # [28](#) Exhibit 33 - Email Taube to Slugh, May 5, 2010,
- # [29](#) Exhibit 34 - Excerpt from Sept. 2010 Complaints,
- # [30](#) Exhibit 40 - Spectrum Product Holds SOP, May 23, 2012,
- # [31](#) Exhibit 57 - Email Hall to Olmstead, June 27, 2013,
- # [32](#) Exhibit 62 - Email Mortensen to Fraundorfer, July 25, 2013,
- # [33](#) Exhibit 65 - Product Hold Notice, Mar. 23, 2012,
- # [34](#) Exhibit 67 - Request for Corrective Action, Apr. 1, 2009,
- # [35](#) Exhibit 68 - Product Analysis Report, June 15, 2009,
- # [36](#) Exhibit 69 - Engineering Change Notice, June 26, 2009,
- # [37](#) Exhibit 90 - Letter from CPSC to Applica, June 24, 2010,
- # [38](#) Exhibit 92 - Coffeemaker "Use and Care Book",
- # [39](#) Exhibit 93 - Product Specifications for Coffeemakers,
- # [40](#) Exhibit 94 - Spectrum Second Supplemental Response to U.S. First Set of Interrogatories Mar. 25, 2016,
- # [41](#) Exhibit 95 - U.S. First Req. for Production and Admission, Oct. 29, 2015,
- # [42](#) Exhibit 96 - Spectrum Response to First Request for Productin and First Request for Admission, Dec. 7, 2015,
- # [43](#) Exhibit 97 - CPSC Press Releases,
- # [44](#) Exhibit 98 - Excerpts from Complaints, Various Dates,
- # [45](#) Exhibit 99 - CPSC Recall Handbook,
- # [46](#) Exhibit 100 - Declaration of Dr. John Abraham, May 4, 2016, and Expert Report (Also see [83](#) .),
- # [47](#) Exhibit 101 - Deposition of Nigel Stamp, Feb. 25, 2016 (Also see [60](#) .),
- # [48](#) Exhibit 102 - Deposition of Stuart Slugh, Mar. 15, 2016 (Also see [61](#) .),
- # [49](#) Exhibit 103 - Deposition of Leslie Campbell, Apr. 12, 2016 (Also see [62](#) .),
- # [50](#) Exhibit 104 - Deposition of Peter Taube, Apr. 13, 2016 (Also see [63](#) .),
- # [51](#) Exhibit 105 - Deposition of Michael Olmsted, Mar. 29, 2016 (Also see [64](#) .),
- # [52](#) Exhibit 106 - Deposition of Bryan Mihlbauer (30(b)(6) Witness, Apr. 22, 2016 (Also see [65](#) .),
- # [53](#) Exhibit 107 - Declaration of Thomas Ross, May 6, 2016 (Also see [55](#) .),
- # [54](#) Exhibit 108 - Declaration of Christopher Paparo, May 6, 2016 (Also see [57](#) .),
- # [55](#) Exhibit 109 - Declaration of Thomas Schroeder, May 5, 2016 (Also see [84](#) .),
- # [56](#) Exhibit 110 - Declaration of Tanya Topka, May 5, 2016 (Also see [56](#) . It is similar, but not the same declaration.) (Ross, Thomas) Modified on 5/10/2016: Clarified exhibit descriptions,

etc. (lak) (Entered: 05/09/2016)

- 05/09/2016 [86](#) Redaction to [76](#) Declaration of *James Hemmings* by Defendant Spectrum Brands, Inc., (Attachments:
[1](#) Exhibit 1 - Consumer Product Safety Commission Recall Handbook (2012),
[2](#) Exhibit 2 - Consumer Product Safety Commission, Office of Compliance Recalls & Compliance Division, Section 15 Procedures Manual (Apr. 1, 2002),
[3](#) Exhibit 3 through 17 - Filed Under Seal,
[4](#) Exhibit 18 - USA's Objection and Responses to Spectrum's Second Requests for Production of Documents,
[5](#) Exhibit 19 - USA's Objection and Responses to Spectrum's First Requests for Admissions, Second and Third Interrogatories and Third Request for Production,
[6](#) Exhibit 20 - Filed Under Seal) (Wilson, Eric) Modified on 5/10/2016: Clarified exhibit descriptions; removed duplicate text. (lak) (Entered: 05/09/2016)
- 05/11/2016 [87](#) Redaction to [78](#) Brief in Support by Defendant Spectrum Brands, Inc. (Hancock, Mark) (Entered: 05/11/2016)
- 05/11/2016 [88](#) Redaction to [77](#) Proposed Findings of Fact by Defendant Spectrum Brands, Inc. (Hancock, Mark) (Entered: 05/11/2016)
- 05/13/2016 [89](#) Motion to Admit Matthew Adam Riche Cohen Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1808950.) by Amicus Association of Home Appliance Manufacturers. Motions referred to Magistrate Judge Stephen L. Crocker. (Cohen, Matthew) (Entered: 05/13/2016)
- 05/13/2016 90 ** TEXT ONLY ORDER **
ORDER granting [89](#) Motion to Admit Matthew Adam Riche Cohen Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 5/13/2016. (lak) (Entered: 05/13/2016)
- 05/13/2016 [91](#) Motion for Leave to File *Amicus Curiae Brief* by Amicus Association of Home Appliance Manufacturers. (Attachments:
[1](#) Exhibit A - Proposed Amicus Curiae Brief,
[2](#) Text of Proposed Order) (Cohen, Matthew) Modified on 11/18/2016 (voc). (Entered: 05/13/2016)
- 05/16/2016 [92](#) Notice of Appearance filed by Monica Christine Groat for Plaintiff United States of America. (Groat, Monica) (Entered: 05/16/2016)
- 06/06/2016 [93](#) Expert Report of Stephen McGonegal by Defendant Spectrum Brands, Inc., (Sealed Document) (Attachments:
[1](#) Appendix A - Statement of Qualifications and Compensation) (Wilson, Eric) Modified on 6/6/2016. (lak) (Entered: 06/06/2016)
- 06/06/2016 [94](#) Brief in Opposition by Plaintiff United States of America re: [73](#) Motion for Partial Summary Judgment filed by Spectrum Brands, Inc. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [95](#) Redaction to [96](#) Response to Proposed Findings of Fact filed by Plaintiff United States of America. (Ross, Thomas) Modified on 6/7/2016. (lak) (Entered: 06/06/2016)
- 06/06/2016 [96](#) Response to Proposed Findings of Fact filed by Plaintiff United States of America re: [73](#) Motion for Partial Summary Judgment. (Sealed Document) (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [97](#) Supplemental Proposed Findings of Fact filed by Plaintiff United States of America re: [73](#) Motion for Partial Summary Judgment. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [98](#) Redaction to [99](#) Declaration of Robert Jackson Howell, Jr., (Attachments:
[1](#) Exhibit 75 - 05/11/11 CPSC Letter,

[2](#) Exhibit 86 - 06/24/02 Schoem Testimony,
[3](#) Exhibit 111 - 11/02/06 CPSC Letter) (Ross, Thomas) Modified on 6/7/2016. (lak) (Entered: 06/06/2016)

- 06/06/2016 [99](#) Declaration of Robert Jackson Howell, Jr. filed by Plaintiff United States of America *in Opposition* re: [73](#) Motion for Partial Summary Judgment, (Sealed Document) (Attachments: # [1](#) Exhibit 75 - 05/11/2011 CPSC Letter, # [2](#) Exhibit 86 - 06/24/2001 Schoem Testimony, # [3](#) Exhibit 111 - 11/02/06 CPSC Letter) (Ross, Thomas) Modified on 6/7/2016. (lak) (Entered: 06/06/2016)
- 06/06/2016 [100](#) Deposition of Alan Schoem taken on 04/29/16. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [101](#) Deposition of John Morrall taken on 04/20/16. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [102](#) Motion to Strike *Expert Testimony of Alan Schoem and John Morrall* by Plaintiff United States of America. Brief in Opposition due 6/20/2016. Brief in Reply due 6/27/2016. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [103](#) Brief in Support of [102](#) Motion to Strike *Expert Testimony of Alan Schoem and John Morrall* by Plaintiff United States of America. (Ross, Thomas) (Entered: 06/06/2016)
- 06/06/2016 [104](#) Declaration of Stephen McGonegal filed by Defendant Spectrum Brands, Inc. *in Support of Spectrum Brands, Inc.'s Opposition* re: [51](#) Motion for Summary Judgment. (Wilson, Eric) (Entered: 06/06/2016)
- 06/06/2016 [105](#) Motion in Limine *to Exclude Testimony of Plaintiff's Proposed Expert John P. Abraham* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 6/7/2016. (lak) (Entered: 06/06/2016)
- 06/06/2016 [106](#) Brief in Support of [105](#) Motion in Limine *to Exclude Testimony of Plaintiff's Proposed Expert John P. Abraham* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 6/7/2016. (lak) (Entered: 06/06/2016)
- 06/06/2016 [107](#) Response to Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [51](#) Motion for Summary Judgment. (Wilson, Eric) (Entered: 06/06/2016)
- 06/06/2016 [108](#) Supplemental Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [51](#) Motion for Summary Judgment. (Wilson, Eric) (Entered: 06/06/2016)
- 06/06/2016 [109](#) Declaration of James Hemmings filed by Defendant Spectrum Brands, Inc. re: [51](#) Motion for Summary Judgment, (Attachments: # [1](#) Exhibit 1 - April 8, 2009, Section 15 report, # [2](#) Exhibit 2 - June 23, 2009 CPSC press release, # [3](#) Exhibit 3 - August 27, 2010 letter from Spectrum's Counsel to the CPSC, # [4](#) Exhibit 4 - August 6, 2012 letter from the CPSC to Spectrum, # [5](#) Exhibit 5 - June 28, 2013 letter from Spectrum to the CPSC, # [6](#) Exhibit 6 - July 25, 2013 letter from Spectrum to the CPSC, # [7](#) Exhibit 7 - July 22, 2013 letter from Spectrum to the CPSC, # [8](#) Exhibit 8 - Monthly Progress Report for Corrective Action Plan and Incident Update) (Wilson, Eric) (Entered: 06/06/2016)
- 06/06/2016 [110](#) Brief in Opposition by Defendant Spectrum Brands, Inc. re: [51](#) Motion for Summary Judgment filed by United States of America. (Wilson, Eric) (Entered: 06/06/2016)
- 06/07/2016 [111](#) Joint Motion to Amend Briefing Schedule *of Daubert Motions* by Defendant Spectrum Brands, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Wilson, Eric) Modified on 6/8/2016: Typo. (lak) (Entered: 06/07/2016)

06/08/2016 112 ** TEXT ONLY ORDER **
ORDER granting [111](#) Motion to Amend Briefing Schedule. Brief in Opposition due 6/27/2016. Brief in Reply due 7/11/2016. Signed by Magistrate Judge Stephen L. Crocker on 6/8/2016. (voc) (Entered: 06/08/2016)

06/20/2016 [113](#) Brief in Reply by Plaintiff United States of America in Support of [51](#) Motion for Summary Judgment. (Ross, Thomas) (Entered: 06/20/2016)

06/20/2016 [114](#) Reply in Support of Proposed Findings of Fact filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment. (Ross, Thomas) (Entered: 06/20/2016)

06/20/2016 [115](#) Response to Proposed Findings of Fact filed by Plaintiff United States of America re: [51](#) Motion for Summary Judgment. (*Defendant's Supplemental Facts.*) (Ross, Thomas) (Entered: 06/20/2016)

06/20/2016 [116](#) Deposition of Steve McGonegal taken on 04/28/16. (Ross, Thomas) (Entered: 06/20/2016)

06/20/2016 [117](#) Motion to Strike *Expert Testimony of Steve McGonegal* by Plaintiff United States of America. Brief in Opposition due 7/5/2016. Brief in Reply due 7/11/2016. (Ross, Thomas) (Entered: 06/20/2016)

06/20/2016 [118](#) Brief in Support of [117](#) Motion to Strike *Expert Testimony of Steve McGonegal* by Plaintiff United States of America. (Ross, Thomas) (Entered: 06/20/2016)

06/21/2016 [119](#) Brief in Reply by Defendant Spectrum Brands, Inc. in Support of [73](#) Motion for Partial Summary Judgment. (Wilson, Eric) (Entered: 06/21/2016)

06/21/2016 [120](#) Reply in Support of Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment. (Sealed Document) (Wilson, Eric) (Entered: 06/21/2016)

06/21/2016 [121](#) Response to Supplemental Proposed Findings of Fact filed by Defendant Spectrum Brands, Inc. re: [73](#) Motion for Partial Summary Judgment *as to Counts I and II*. (Wilson, Eric) Modified on 6/22/2016. (lak) (Entered: 06/21/2016)

06/21/2016 [122](#) Exhibit to [76](#) Declaration, filed by Spectrum Brands, Inc. *Corrected Exhibit 9 to the May 6, 2016 Declaration of James Hemmings.* (Sealed Document) (Wilson, Eric) (Entered: 06/21/2016)

06/21/2016 [123](#) Redaction to [120](#) Reply in Support of Proposed Findings of Fact by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 06/21/2016)

06/27/2016 [124](#) Brief in Opposition by Plaintiff United States of America re: [105](#) Motion in Limine *to Exclude Testimony of Plaintiff's Proposed Expert John P. Abraham* filed by Spectrum Brands, Inc. (Ross, Thomas) Modified on 6/27/2016. (lak) (Entered: 06/27/2016)

06/27/2016 [125](#) Brief in Opposition by Defendant Spectrum Brands, Inc. re: [102](#) Motion to Strike filed by United States of America. (Wilson, Eric) (Entered: 06/27/2016)

06/27/2016 [126](#) Declaration of James Hemmings filed by Defendant Spectrum Brands, Inc. *in Support of Spectrum Brands, Inc.'s Opposition* re: [102](#) Motion to Strike, (Attachments: # [1](#) Exhibit 1 - United States Objections & Responses to Spectrum's First Set of Interrogatories) (Wilson, Eric) (Entered: 06/27/2016)

06/27/2016 [127](#) Joint Motion to Amend Briefing Schedule by Defendant Spectrum Brands, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Wilson, Eric) (Entered: 06/27/2016)

06/29/2016 128 ** TEXT ONLY ORDER **
ORDER granting [127](#) Joint Motion to Amend Briefing Schedule. Brief in Opposition due

7/11/2016. Brief in Reply due 7/25/2016. Signed by Magistrate Judge Stephen L. Crocker on 6/29/2016. (voc) (Entered: 06/29/2016)

- 07/08/2016 [129](#) Motion to Compel *Discovery* by Defendant Spectrum Brands, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 7/15/2016. (Wilson, Eric) (Entered: 07/08/2016)
- 07/08/2016 [130](#) Declaration of Timothy L. Mullin, Jr. filed by Defendant Spectrum Brands, Inc. *In Support re: [129](#) Motion to Compel*, (Attachments: # [1](#) Exhibit A - Defendant Spectrum Brands, Inc.'s First Set of Interrogatories, # [2](#) Exhibit B - United States of America's Supplemental Objections and Responses to Interrogatories) (Wilson, Eric) Modified on 7/9/2016: Removed duplicate text. (lak) (Entered: 07/08/2016)
- 07/08/2016 [131](#) Motion for Leave to File *Further Evidence in Support of its Motion for Partial Summary Judgment as to Counts I and II* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 11/18/2016 (voc). (Entered: 07/08/2016)
- 07/11/2016 Set Telephone Motion Hearing as to [129](#) Motion to Compel *Discovery* by Defendant Spectrum Brands, Inc. Telephone Motion Hearing set for 7/20/2016 at 09:00 AM before Magistrate Judge Stephen L. Crocker. Counsel for Defendant responsible for setting up the call to chambers at (608) 264-5153. (voc) (Entered: 07/11/2016)
- 07/11/2016 [132](#) Brief in Reply by Plaintiff United States of America in Support of [102](#) Motion to Strike *Experts Schoem & Morrall*. (Ross, Thomas) (Entered: 07/11/2016)
- 07/11/2016 [133](#) Brief in Reply by Defendant Spectrum Brands, Inc. in Support of [105](#) Motion in Limine *to Exclude Testimony of Plaintiff's Proposed Expert John P. Abraham*. (Wilson, Eric) (Entered: 07/11/2016)
- 07/11/2016 [134](#) Brief in Opposition by Defendant Spectrum Brands, Inc. re: [117](#) Motion to Strike filed by United States of America. (Wilson, Eric) (Entered: 07/11/2016)
- 07/15/2016 [135](#) Brief in Opposition by Plaintiff United States of America re: [129](#) Motion to Compel filed by Spectrum Brands, Inc. (Ross, Thomas) (Entered: 07/15/2016)
- 07/15/2016 [136](#) Declaration of Elliot F. Kaye filed by Plaintiff United States of America (*Deliberative-Process Privilege*) re: [129](#) Motion to Compel. (Ross, Thomas) (Entered: 07/15/2016)
- 07/20/2016 Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Motion Hearing held on 7/20/2016 [:25] (cak) (Entered: 07/20/2016)
- 07/20/2016 [137](#) ** TEXT ONLY ORDER **
On July 20, 2016, the court held a telephonic hearing on defendant's motion to compel discovery (dkt. [129](#)). After hearing from the parties, the court denied the motion for reasons stated. Each side will bear its own costs on this motion. Signed by Magistrate Judge Stephen L. Crocker on 7/20/2016. (voc) (Entered: 07/20/2016)
- 07/21/2016 [138](#) Transcript of Telephonic Motion Hearing, held 7/20/2016 before Magistrate Judge Stephen L. Crocker. Court Reporter: LS.
Please review the court policy regarding electronic transcripts: see [Electronic Transcript Instructions](#) and [Notice of Intent to Request Redaction](#). (kwf) (Entered: 07/21/2016)
- 07/25/2016 [139](#) Brief in Reply by Plaintiff United States of America in Support of [117](#) Motion to Strike *Expert Testimony of Steve McGonegal*. (Ross, Thomas) (Entered: 07/25/2016)
- 07/29/2016 [140](#) Motion for Leave to File *an Additional Motion for Summary Judgment* by Defendant Spectrum Brands, Inc., (Attachments:

[1](#) Exhibit A - Motion for Summary Judgment Based on the U.S. Consumer Product Safety Commission's Failure to Satisfy a Condition Precedent to Bringing Suit,

[2](#) Exhibit B - Memorandum of Law,

[3](#) Exhibit C - Proposed Findings of Fact) (Wilson, Eric) Modified on 11/18/2016 (voc).

(Entered: 07/29/2016)

- 09/19/2016 [141](#) Joint Motion to Expedite *Setting of Date for Penalty Phase Evidentiary Hearing* by Defendant Spectrum Brands, Inc. Motions referred to Magistrate Judge Stephen L. Crocker. (Wilson, Eric) Modified on 9/19/2016. (lak) Modified on 11/18/2016 (voc). (Entered: 09/19/2016)
- 09/29/2016 [142](#) Notice of Appearance filed by Jennifer Lynn Gregor for Defendant Spectrum Brands, Inc. (Gregor, Jennifer) (Entered: 09/29/2016)
- 09/29/2016 [143](#) Deposition of Mark Kumagai taken on March 23, 2016. (Wilson, Eric) (Entered: 09/29/2016)
- 09/29/2016 [144](#) Uncontested Motion for Entry of Judgment as to Liability on Count III of Plaintiff's Complaint by Defendant Spectrum Brands, Inc. Response due 10/6/2016. (Wilson, Eric) Modified on 9/30/2016. (lak) Modified on 11/18/2016 (voc). (Entered: 09/29/2016)
- 09/30/2016 [145](#) Proposed Voir Dire by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [146](#) Proposed Special Verdict - Liability by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [147](#) Proposed Jury Instructions - Liability by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [148](#) Rule 26(a)(3) Pretrial Disclosures by Plaintiff United States of America, (Attachments: # [1](#) Exhibit 1 - Slugh Deposition Narrative, # [2](#) Exhibit 2 - Campbell Deposition Narrative, # [3](#) Exhibit 3 - Taube Deposition Narrative, # [4](#) Exhibit 4 - Deposition Designations (Also see [175](#) .), # [5](#) Exhibit 5 - Exhibit List (Also see [174](#) .) (Ross, Thomas) Modified on 9/30/2016. (lak) (Entered: 09/30/2016)
- 09/30/2016 [149](#) Expert Witness Disclosures by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [150](#) Motion in Limine (*Omnibus*) by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [151](#) Brief in Support of [150](#) Motion in Limine (*Omnibus*) by Plaintiff United States of America. (Ross, Thomas) (Entered: 09/30/2016)
- 09/30/2016 [152](#) Expert Report of Michael D. Hayes, Ph.D., P.E. by Defendant Spectrum Brands, Inc., (Attachments: # [1](#) Appendix A - CV of Michael D. Hayes, # [2](#) Appendix B - Rule 26 of Author) (Wilson, Eric) Modified on 10/2/2016. (lak) (Entered: 09/30/2016)
- 09/30/2016 [153](#) Exhibit List by Defendant Spectrum Brands, Inc. (Sealed Document) (Wilson, Eric) Modified on 10/14/2016: See [178](#) for Amended Exhibit List. (lak) (Entered: 09/30/2016)
- 09/30/2016 [154](#) Redaction to [153](#) Exhibit List by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)
- 09/30/2016 [155](#) Witness List - *Fact and Expert Witness List* - by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [156](#) Deposition Designations - *Page Line Deposition Designations* - by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [157](#) Proposed Jury Instructions - Liability by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/4/2016: See [176](#) for Amended Proposed Jury Instructions - Liability. (lak) (Entered: 09/30/2016)

09/30/2016 [158](#) Proposed Special Verdict - Liability by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [159](#) Memorandum in Support of [158](#) Proposed Special Verdict, [157](#) Proposed Jury Instructions by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [160](#) Proposed Voir Dire by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [161](#) Notice by Defendant Spectrum Brands, Inc. - *Narrative Background of Expert Michael Hayes*. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [162](#) Notice by Defendant Spectrum Brands, Inc. - *Narrative Background of Expert Stephen McConegal (McGonegal)*. (Wilson, Eric) Modified on 10/2/2016: Spelling of last name? (lak) (Entered: 09/30/2016)

09/30/2016 [163](#) Notice by Defendant Spectrum Brands, Inc. - *Narrative Background of Expert John Morrall*. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [164](#) Notice by Defendant Spectrum Brands, Inc. - *Narrative Background of Expert Alan Schoem*. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [165](#) Notice by Defendant Spectrum Brands, Inc. - *Narrative Background of Expert of Nigel Stamp*. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [166](#) Motion in Limine *No. 1 to Exclude Evidence Related to Count III of Plaintiff's Complaint* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 11/18/2016 (voc). (Entered: 09/30/2016)

09/30/2016 [167](#) Motion in Limine *No. 2 to Exclude Consumer Incident Reports as Evidence of the Carafe Handle Mode of Failure* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [168](#) Motion in Limine *No. 3 to Admit Evidence and Argument Related to the CPSC's Disposition of Other Coffeemaker Defect Cases* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [169](#) Motion in Limine *No. 4 to Exclude Evidence and Argument Related to a Monetary Settlement with the CPSC by Another Company* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [170](#) Motion in Limine *No. 5 to Preclude Evidence and Argument Relating to the Number of Incidents or Injuries Involving Products Other than Coffeemakers* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 09/30/2016)

09/30/2016 [171](#) Motion in Limine *No. 6 to Exclude Lay Witness Testimony Concerning the Meaning or Application of the Terms "Substantial Product Hazard" or "Unreasonable Risk of Serious Injury or Death"* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 11/18/2016 (voc). (Entered: 09/30/2016)

09/30/2016 [172](#) Motion in Limine *No. 7 to Exclude Evidence and Argument Regarding Effect of Spectrum's Participation in the Fast Recall Program* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 11/18/2016 (voc). (Entered: 09/30/2016)

09/30/2016 [173](#) Motion in Limine *No. 8 to Exclude Evidence Regarding the Location of the Manufacture* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 11/18/2016 (voc). (Entered: 09/30/2016)

10/02/2016 [174](#) Exhibit List by Plaintiff United States of America. (lak) (Entered: 10/02/2016)

10/02/2016 [175](#) Deposition Designations by Plaintiff United States of America. (lak) (Entered: 10/02/2016)

10/03/2016 [176](#) Proposed Jury Instructions - Liability (*Amended*) by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/4/2016. (lak) (Entered: 10/03/2016)

10/03/2016 [177](#) Memorandum in Support of [158](#) Proposed Special Verdict, [176](#) Proposed Jury Instructions (*Amended*), by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/4/2016. (lak) (Entered: 10/03/2016)

10/13/2016 [178](#) First Amended Exhibit List by Defendant Spectrum Brands, Inc. (Sealed Document) (Wilson, Eric) Modified on 10/23/2016: See [193](#) for Second Amended Exhibit List. (lak) (Entered: 10/13/2016)

10/13/2016 [179](#) Redaction to [178](#) Exhibit List by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/13/2016)

10/14/2016 [180](#) Brief in Opposition by Plaintiff United States of America re: [172](#) Motion in Limine filed by Spectrum Brands, Inc., [173](#) Motion in Limine filed by Spectrum Brands, Inc., [168](#) Motion in Limine filed by Spectrum Brands, Inc., [170](#) Motion in Limine filed by Spectrum Brands, Inc., [166](#) Motion in Limine filed by Spectrum Brands, Inc., [167](#) Motion in Limine filed by Spectrum Brands, Inc., [169](#) Motion in Limine filed by Spectrum Brands, Inc., [171](#) Motion in Limine, filed by Spectrum Brands, Inc. (*Omnibus Opposition*) (Ross, Thomas) (Entered: 10/14/2016)

10/14/2016 [181](#) Response to Proposed Liability Jury Instructions *and Other Pretrial Filings* by Plaintiff United States of America. (Ross, Thomas) (Entered: 10/14/2016)

10/14/2016 [182](#) Objections to Trial Exhibits by Plaintiff United States of America. (Sealed Document) (Ross, Thomas) (Entered: 10/14/2016)

10/14/2016 [183](#) Redaction to [182](#) Objections to Trial Exhibits by Plaintiff United States of America. (Ross, Thomas) (Entered: 10/14/2016)

10/14/2016 [184](#) Deposition Designations. *Objections to Defendant's Designations (Dkt. #156)* by Plaintiff United States of America. (Ross, Thomas) Modified on 10/17/2016. (lak) (Entered: 10/14/2016)

10/14/2016 [185](#) Objections to [145](#) Proposed Voir Dire by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/14/2016)

10/14/2016 [186](#) Deposition Designations. *Objections and Counter-Designations to Government's Page Line Designations of the Deposition Transcript of Leslie Campbell* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/14/2016)

10/14/2016 [187](#) Deposition Designations. *Objections and Counter-Designations to the Government's Page Line Designations of the Deposition Transcript of Peter Taube* by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/17/2016. (lak) (Entered: 10/14/2016)

10/14/2016 [188](#) Deposition Designations. *Objections and Counter-Designations to Government's Page Line Designations of the Deposition Transcript of Stuart Slugh* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/14/2016)

10/14/2016 [189](#) Objections to Trial Exhibits by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/17/2016. (lak) (Entered: 10/14/2016)

10/14/2016 [190](#) Notice by Defendant Spectrum Brands, Inc. re: [149](#) Expert Witness Disclosures. *Objections to the Government's Narrative Background of Dr. John P. Abraham*. (Wilson, Eric) (Entered: 10/14/2016)

10/14/2016 [191](#) Brief in Opposition by Defendant Spectrum Brands, Inc. re: [150](#) Motion in Limine filed by United States of America. (Wilson, Eric) (Entered: 10/14/2016)

10/14/2016 [192](#) Response to Proposed Liability Jury Instructions and Response to Proposed Verdict Form by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 10/17/2016. (lak) (Entered: 10/14/2016)

10/21/2016 [193](#) Second Amended Exhibit List by Defendant Spectrum Brands, Inc. (Sealed Document) (Wilson, Eric) (Entered: 10/21/2016)

10/21/2016 [194](#) Redaction to [193](#) Exhibit List by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/21/2016)

10/21/2016 195 ** TEXT ONLY ORDER **
In light of the anticipated decision of this court on the parties' pending dispositive motions, the jury trial, final pretrial conference and any other applicable deadlines are struck and a telephonic status conference will be held on November 9, 2016, at 1:00 PM; plaintiff is to initiate the call to the court. Signed by District Judge William M. Conley on 10/21/2016. (kwf) (Entered: 10/21/2016)

10/21/2016 Set Telephone Status Conference: Telephone Status Conference set for 11/9/2016 at 1:00 PM before District Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (kwf) (Entered: 10/21/2016)

11/08/2016 Set Telephone Status Conference: Telephone Status Conference rescheduled from 11/9/2016 to 11/14/2016 at 01:00 PM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (voc) (Entered: 11/08/2016)

11/09/2016 Telephone Status Conference rescheduled to 11/18/2016 at 10:00 AM at the request of counsel. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (voc) (Entered: 11/09/2016)

11/17/2016 [196](#) ORDER: IT IS ORDERED that:
1. Defendant Spectrum Brand's motions for partial summary judgment (dkt. ## [30](#) , [73](#)) are DENIED.
2. Defendant's motion for leave to file additional evidence in support of its motion for summary judgment (dkt. # [131](#)) and motion for leave to file an additional motion for summary judgment (dkt. # [140](#)) are DENIED.
3. Plaintiff the United States of America's motion for summary judgment (dkt. # [51](#)) is GRANTED as to defendant's liability on Count I.
4. Defendant's unopposed motion for entry of judgment as to its liability on Count III (dkt. # [144](#)) is GRANTED.
5. Defendant's motion to dismiss (dkt. # [6](#)) is DENIED.
6. AHAM's motion for leave to file an amicus curiae brief (dkt. # [91](#)) is GRANTED.
7. The parties' pending motions related to scheduling and exclusion of witnesses and argument at a jury trial (dkt. ## [141](#) , [166](#) , [171](#) , [172](#) , [173](#)) are DENIED as moot.
8. The court RESERVES on the parties' remaining motions (dkt. ## [102](#) , [105](#) , [117](#) , [150](#) , [167](#) , [168](#) , [169](#) , [170](#)).
9. The court will hold a scheduling a conference over the phone at 10:00 am on Friday, November 18, 2016, to set a schedule for the civil penalty determination and injunctive relief phase of this case.
Signed by District Judge William M. Conley on 11/17/2016. (krc) Modified on 11/18/2016

(voc). (Entered: 11/17/2016)

- 11/18/2016 Set Telephone Status Conference: Telephone Status Conference rescheduled to 11/28/2016 at 10:00 AM before Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (voc) (Entered: 11/18/2016)
- 11/28/2016 Minute Entry for proceedings held before District Judge William M. Conley: Telephone Status Conference held on 11/28/2016 [:20] (Court Reporter LS.) (mfh) (Entered: 11/28/2016)
- 11/28/2016 [197](#) ORDER (1) setting an evidentiary hearing on February 21, 2017. The parties have until December 8, 2016 to file a joint stipulation to move the evidentiary hearing to March 13, 2017; (2) setting defendant's deadline to file a motion for an interlocutory appeal and supporting brief on December 8, 2016. Plaintiff's response will be due on December 19, 2016. There will be no reply; (3) setting briefing on civil penalties and injunctive relief: plaintiff's brief in support and any proposed order, exhibit list and witness list is due on January 17, 2017; defendant's response and objections to plaintiff's witnesses and exhibits and defendant's exhibit list and witness list is due on February 7, 2017; plaintiff may have until February 14, 2017 to file any objections to defendant's witnesses and exhibits as well as rebuttal witness list and exhibit lists; There will be no reply to defendant's brief; (4) denying [102](#) Motion to Strike; denying [105](#) Motion *in Limine*; denying [117](#) Motion to Strike; granting in part and denying in part [150](#) Motion *in Limine*; granting in part and denying in part [167](#) Motion *in Limine*; denying [168](#) Motion *in Limine*; denying [169](#) Motion *in Limine*; denying [170](#) Motion *in Limine*. Signed by District Judge William M. Conley on 11/28/2016. (jls) (Entered: 11/28/2016)
- 11/28/2016 Set Hearings: Evidentiary Hearing set for 2/21/2017 at 09:00 AM. (jls) (Entered: 11/28/2016)
- 11/28/2016 Briefing set re: Civil Penalties and Injunctive Relief. Brief in Support due 1/17/2017. Brief in Opposition due 2/7/2017. (jls) Modified on 10/2/2017 (voc). (Entered: 11/28/2016)
- 11/28/2016 [198](#) Transcript of Telephonic Hearing, held 11/28/2016 before Judge William M. Conley. Court Reporter: LS.
Please review the court policy regarding electronic transcripts: see [Electronic Transcript Instructions](#) and [Notice of Intent to Request Redaction](#). (jls) (Entered: 11/28/2016)
- 12/05/2016 [199](#) Notice by Defendant Spectrum Brands, Inc., *Regarding Interlocutory Appeal*. (Wilson, Eric) (Entered: 12/05/2016)
- 12/08/2016 [200](#) Notice of Withdrawal of Counsel by Matthew Adam Riche Cohen re: Amicus Association of Home Appliance Manufacturers. (Cohen, Matthew) (Entered: 12/08/2016)
- 12/09/2016 [201](#) ANSWER by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 12/09/2016)
- 01/17/2017 [202](#) Brief in Support of Issue being briefed (*Civil Penalties and Permanent Injunctive Relief*) by Plaintiff United States of America, (Attachments: # [1](#) Exhibit A - Proposed Order, # [2](#) Exhibit B - Corporate Fact Sheet, # [3](#) Exhibit C - Settlement Table) (Ross, Thomas) Modified on 1/18/2017. (lak) (Entered: 01/17/2017)
- 01/17/2017 [203](#) Witness List by Plaintiff United States of America. (Ross, Thomas) (Entered: 01/17/2017)
- 01/17/2017 [204](#) Exhibit List by Plaintiff United States of America. (Ross, Thomas) (Entered: 01/17/2017)
- 01/17/2017 [205](#) Deposition Designations by Plaintiff United States of America. (Ross, Thomas) (Entered: 01/17/2017)
- 02/03/2017 [206](#) Amended Exhibit List by Plaintiff United States of America. (Ross, Thomas) (Entered: 02/03/2017)

- 02/07/2017 [207](#) Brief in Opposition of Issue being briefed (*Response to the United States of America's Memorandum of Law in Support of Proposed Order of Civil Penalties and Permanent Injunction*) by Defendant Spectrum Brands, Inc. (Wilson, Eric) Modified on 2/8/2017. (lak) (Entered: 02/07/2017)
- 02/07/2017 [208](#) Witness List by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/07/2017)
- 02/07/2017 [209](#) Exhibit List by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/07/2017)
- 02/07/2017 [210](#) Objections to Trial Exhibits (*Responses and Objections to the Government's Trial Exhibit List*) by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/07/2017)
- 02/07/2017 [211](#) Objection to Rule 26(a)(3) Designations by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/07/2017)
- 02/07/2017 [212](#) Objections to Trial Exhibits (*Responses and Objections to the Government's Amended Trial Exhibit List*) by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/07/2017)
- 02/09/2017 213 ** TEXT ONLY ORDER **
In light of defendant's argument that the maximum civil penalty for its failure to report timely in violation of 15 U.S.C. § 2064(b)(3) is \$1.825 million, not \$15 million (Def.'s Opp'n Br. (dkt. # [207](#)) at 6-10), plaintiff may have until February 16, 2017, to file a limited reply brief addressing that argument only. Signed by District Judge William M. Conley on 2/9/2017. (kwf) (Entered: 02/09/2017)
- 02/13/2017 [214](#) Notice by Plaintiff United States of America to *Chief Judge Conley Regarding Hearing*. (Ross, Thomas) (Entered: 02/13/2017)
- 02/14/2017 [215](#) Objections to Trial Exhibits and *Witness List* by Plaintiff United States of America. (Ross, Thomas) (Entered: 02/14/2017)
- 02/14/2017 [216](#) Joint Stipulation Regarding Exhibits by Plaintiff United States of America. (Phelps, Alan) (Entered: 02/14/2017)
- 02/15/2017 [217](#) ORDER on the parties' objections to witnesses and exhibits. The court will review all expert narratives and written reports in advance of the civil penalty hearing on 2/21/2017. Experts need only appear in person if the other side wants to cross-examine them before the court. By 4:30 PM on 2/17/2017, both sides should indicate which opposing experts they want to appear in person. The parties shall also provide a *final* list of *their* witnesses who will appear in person to testify. The court will hold a telephonic conference with the parties at 3:00 PM on Thursday, 2/16/2017, to address any part of this order or other housekeeping matters that remain. The parties shall provide to the court on the morning of the evidentiary hearing an electronic *or* hard copy of all exhibits that have been stipulated to or will be offered into evidence. Signed by District Judge William M. Conley on 2/15/2017. (arw) (Entered: 02/15/2017)
- 02/15/2017 Set Deadlines and Hearings: Telephone Status Conference set for 2/16/2017 at 3:00 PM before District Judge William M. Conley. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5087. (arw) (Entered: 02/15/2017)
- 02/16/2017 [218](#) Objections to Trial Exhibits - *Amended Response to the Government's Amended Trial Exhibit List*, by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 02/16/2017)
- 02/16/2017 [219](#) Objections to Trial Exhibits - *Amended Response to Defendant's Exhibit List*, by Plaintiff United States of America. (Phelps, Alan) (Entered: 02/16/2017)
- 02/16/2017 [220](#) Brief in Reply by Plaintiff United States of America in Support of Issue being briefed. (*Civil Penalties for Spectrum's Reporting Violations.*) (Ross, Thomas) (Entered: 02/16/2017)

- 02/16/2017 Minute Entry for proceedings held before District Judge William M. Conley: Telephonic Status Conference held on 2/16/2017 [:35] (Court Reporter JD.) (mfh) (Entered: 02/16/2017)
- 02/16/2017 Reset Deadlines and Hearings: Evidentiary Hearing reset for 2/21/2017 at **8:30 AM** before District Judge William M. Conley. (arw) (Entered: 02/16/2017)
- 02/16/2017 221 **** TEXT ONLY ORDER ****
A telephonic conference was held today during which the court outlined factual matters that would be helpful for the parties to address in determining the appropriate civil penalty amount, as well as addressed questions that the parties may have in advance of the civil penalty hearing to begin at 8:30 a.m. on Tuesday, February 21, 2017. Consistent with the court's order during today's telephonic conference, both parties may have until 5:00 p.m. on Monday, February 20, 2017, to file electronically any additional evidence that addresses factual matters outlined by the court, including Fed. R. Evid. 1006 summaries provided the underlying evidence has previously been provided to opposing counsel in a manner allowing for easy confirmation. Notwithstanding the discussion during the conference, in order to avoid any confusion, the court directs the parties to file electronically by 4:30 p.m. on Friday, February 17, 2017, the final, joint list of witnesses, identifying by name those to be called live, to be offered by deposition designation and to be offered by expert report. Signed by District Judge William M. Conley on 02/16/2017. (mfh) (Entered: 02/16/2017)
- 02/17/2017 [222](#) Transcript of Telephonic Status Conference, held 2/16/2017 before Chief Judge William M. Conley. Court Reporter: JD.
Please review the court policy regarding electronic transcripts: see [Electronic Transcript Instructions](#) and [Notice of Intent to Request Redaction](#). (kwf) (Entered: 02/17/2017)
- 02/17/2017 [223](#) Deposition Designations *with Highlights* by Plaintiff United States of America, (Attachments: # [1](#) Highlighted Deposition - Slugh, # [2](#) Highlighted Deposition - Taube) (Phelps, Alan) (Entered: 02/17/2017)
- 02/17/2017 [224](#) Joint Stipulated Facts for Civil Penalty Hearing by Plaintiff United States of America. (Phelps, Alan) (Entered: 02/17/2017)
- 02/17/2017 [225](#) Joint Witness List *for Civil Penalty Hearing* by Plaintiff United States of America. (Phelps, Alan) (Entered: 02/17/2017)
- 02/20/2017 [226](#) Supplemental Exhibit List by Plaintiff United States of America. (Phelps, Alan) (Entered: 02/20/2017)
- 02/20/2017 [227](#) Exhibit List - *Amended Exhibit List for Civil Penalty Hearing* by Defendant Spectrum Brands, Inc., (Attachments: # [1](#) Exhibit DTX715 - CPSC March 13, 1985 Release No. 85-012, # [2](#) Exhibit DTX716 - CPSC Docket No. 06-C0003, Fed Register, Vol 71, No 88, 5-08-2006, # [3](#) Exhibit DTX717 - Timeline (2008-2015), # [4](#) Exhibit DTX718 - Timeline (2012-2013)) (Wilson, Eric) (Entered: 02/20/2017)
- 02/21/2017 [228](#) ORDER on Deposition Designations. Signed by District Judge William M. Conley on 2/21/2017. (voc) (Entered: 02/21/2017)
- 02/22/2017 [229](#) Minute Entry for proceedings held before District Judge William M. Conley: Evidentiary Hearing held on 2/21/2017. [06:14] (Court Reporter JLD/CS.) (jls) (Entered: 02/22/2017)
- 02/22/2017 [230](#) Motion by Defendant Spectrum Brands, Inc. *Proffer and Motion to Admit Additional Testimony*. (Wilson, Eric) Modified on 2/22/2017. (lak) (Entered: 02/22/2017)
- 02/27/2017 [231](#) Transcript of Evidentiary Hearing, held 2/21/2017 before Judge William M. Conley. Court Reporter: JD.

Please review the court policy regarding electronic transcripts: see [Electronic Transcript Instructions](#) and [Notice of Intent to Request Redaction](#). (voc) (Entered: 02/27/2017)

- 03/02/2017 [232](#) Transcript of Evidentiary Hearing- Afternoon Session, held 2/21/17 before Judge William M. Conley. Court Reporter: CS.
Please review the court policy regarding electronic transcripts: see [Electronic Transcript Instructions](#) and [Notice of Intent to Request Redaction](#). (jat) (Entered: 03/02/2017)
- 06/12/2017 [233](#) Notice of Withdrawal of Counsel by Thomas Edward Ross re: Plaintiff United States of America. (Ross, Thomas) (Entered: 06/12/2017)
- 09/29/2017 [234](#) ORDER accepting [216](#) Joint Stipulation Regarding Exhibits ; granting [230](#) Motion to proffer additional testimony; and entering a civil penalty and permanent injunction. Signed by District Judge William M. Conley on 09/29/2017. (mfh) (Entered: 09/29/2017)
- 10/03/2017 [235](#) JUDGMENT in favor of United States of America against Spectrum Brands, Inc. in the amount of \$1,936,675.00. (WMC /PAO) (voc) (Entered: 10/03/2017)
- 10/24/2017  [236](#) Motion to Stay *Pending Appeal* by Defendant Spectrum Brands, Inc. Response due 10/31/2017. (Wilson, Eric) (Entered: 10/24/2017)
- 10/24/2017 [237](#) Brief in Support of [236](#) Motion to Stay *Pending Appeal* by Defendant Spectrum Brands, Inc. (Wilson, Eric) (Entered: 10/24/2017)
- 10/25/2017 [238](#) ORDER re [236](#) Motion to Stay *Pending Appeal* filed by Spectrum Brands, Inc. Signed by District Judge William M. Conley on 10/25/2017. (voc) (Entered: 10/25/2017)
- 10/31/2017 [239](#) Brief in Opposition by Plaintiff United States of America re: [236](#) Motion to Stay filed by Spectrum Brands, Inc. (Phelps, Alan) (Entered: 10/31/2017)
- 11/09/2017 [240](#) NOTICE OF APPEAL by Defendant Spectrum Brands, Inc. as to [196](#) Order, [235](#) Judgment, [234](#) Order on Stipulation. Filing fee of \$ 505, receipt number 0758-2140176 paid. No Docketing Statement filed. (Wilson, Eric) (Entered: 11/09/2017)