

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1345 and 1355(a).

2. Venue in the Central District of California is proper under 28 U.S.C. §§ 1391(b) and (c).

NATURE OF THE CLAIM

3. Plaintiff brings this action under the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. §§ 1264(c) and 1267, to recover civil penalties and to obtain injunctive relief for defendants knowingly and repeatedly introducing or causing the introduction into interstate commerce of numerous banned hazardous substances in violation of the FHSA, 15 U.S.C. § 1263(a).

4. Plaintiff administers the FHSA and related regulations through the U.S. Consumer Product Safety Commission (the "CPSC").

DEFENDANTS

5. Defendant Union Import, Inc. ("Union Import") is a corporation that was organized on August 20, 1998, and it exists under the laws of the State of California. It is located at 908 E. Seventh Street, Los Angeles, CA 90021. Union Import is an importer and wholesaler of toys that are subject to the requirements of the FHSA and the regulations issued thereunder.

6. Defendant Lucky Toys, Inc. ("Lucky Toys") is a corporation that was organized on May 10, 1999, and it exists under the laws of the State of California. It is located at 1908-1926 E. Seventh Street, Los Angeles, CA 90021. Lucky Toys is an importer and wholesaler of toys that are subject to the requirements of the FHSA and the regulations issued thereunder.

7. Defendant 333 Imports, Inc. ("333 Imports") is a

corporation that was organized on December 21, 1999, and it
1 exists under the laws of the State of California. It is located
2 at 339 Wall Street, Suite A, Los Angeles, CA 90013. 333 Imports
3 is an importer and wholesaler of toys and children's art
4 materials that are subject to the requirements of the FHSA and
5 the regulations issued thereunder.

6 8. Defendant Seven Stars Toys Imports, Inc. ("Seven
7 Stars") is a corporation that was organized on March 28, 2000,
8 and it exists under the laws of the State of California. Seven
9 Stars is located at 341 Wall Street #401, Los Angeles, CA 90013
10 and at 10725 E. Gale Ave., #205, City of Industry, CA 91748.
11 Seven Stars is an importer and wholesaler of toys that are
12 subject to the requirements of the FHSA and the regulations
13 issued thereunder.

14 9. Defendant Tin Chwee Ko (a.k.a. Simon Ko) is both the
15 owner and President of Union Import. Tin Chwee Ko is the brother
16 of co-defendants Tin H. Ko, Rita Chin, and Tin Cheng Ko. At
17 times relevant to this Complaint, Tin Chwee Ko knew of, and had
18 authority to control the acts or practices of Union Import.

19 10. Defendant Tin H. Ko (a.k.a. Julia Ko) is both the co-
20 owner and President of Lucky Toys. Tin H. Ko also co-owns New
21 Central LLC, 9046 Guess Street, Rosemead, CA 91770, which owns
22 the commercial properties where defendants Union Import and Lucky
23 Toys operate. Tin H. Ko is the wife of co-defendant Huu D. Thai
24 and the sister of co-defendants Tin Chwee Ko, Rita Chin, and Tin
25 Cheng Ko. At times relevant to this Complaint, Tin H. Ko knew
26 of, and had authority to control the acts or practices of Lucky
27 Toys.
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11. Defendant Huu D. Thai (a.k.a. Steve Thai) is the co-owner of Lucky Toys. Huu D. Thai is also the Sales Manager for Union Import. Huu D. Thai also co-owns New Central LLC, which owns the commercial properties where defendants Union Import and Lucky Toys operate. Huu D. Thai is the husband of co-defendant Tin H. Ko. At times relevant to this Complaint, Huu D. Thai knew of, and had authority to control the acts or practices of Lucky Toys and Union Import.

12. Defendant Rita Chin was the President of Kool Imports, Inc. ("Kool Imports"). Kool Imports was a corporation that was organized on March 7, 1996, and it existed under the laws of the State of California. It was dissolved on February 16, 2000. It was located at 339 Wall Street, Suite A, Los Angeles, CA 90013. Kool Imports was an importer and wholesaler of toys, marbles, and replica collectible vehicles that were subject to the requirements of the FHSA and the regulations issued thereunder. Rita Chin is the wife of co-defendant Harry Chin and the sister of co-defendants Tin Chwee Ko, Tin H. Ko, and Tin Cheng Ko. At times relevant to this Complaint, Rita Chin knew of, and had authority to control the acts or practices of Kool Imports.

13. Defendant Harry Chin is the President of 333 Imports. Harry Chin was also the Vice-President of Kool Imports. Harry Chin is the husband of co-defendant Rita Chin. At times relevant to this Complaint, Harry Chin knew of, and had authority to control the acts or practices of 333 Imports and Kool Imports.

14. Defendant Tin Cheng Ko (a.k.a. Ivan Ko) is the President of Seven Stars. Tin Cheng Ko was also the Sales Manager for Kool Imports. Tin Cheng Ko is the brother of co-defendants Tin Chwee Ko, Tin H. Ko, and Rita Chin. At times

relevant to this Complaint, Tin Cheng Ko knew of, and had
1 authority to control the acts or practices of Seven Stars and
2 Kool Imports.

3 VIOLATIONS OF THE FEDERAL HAZARDOUS SUBSTANCES ACT

4 COUNT ONE

5 15. Between July 2, 1999 and June 18, 2001, the CPSC staff
6 collected from Union Import samples of twelve (12) types of toys,
7 from an inventory of 99,444 units, that were banned hazardous
8 substances and which Union Import caused to be introduced into
9 interstate commerce:

10 <u>Sample No.</u>	11 <u>Product</u>	12 <u>Entry/ Coll. Date*</u>	13 <u>Violation</u>	14 <u>Quantity</u>
15 99-860-5677	16 toy car	17 6/25/99	18 small parts	19 17,280
20 99-860-5679	21 toy phone	22 6/25/99	23 small parts	24 11,040
25 99-860-5689	26 baby doll	27 6/29/99	28 small parts	1,920
99-860-5986	toy frog	9/10/99	small parts	2,880
99-860-5987	musical frog	9/10/99	small parts	1,440
00-860-5466	toy hammer	10/15/99	small parts	8,640
00-860-5467	toy hammer	10/15/99	small parts	12,672
01-840-7028-31	musical doll	6/15/01*	small parts	7,680
01-840-7045	wind-up doll	6/18/01*	small parts	10,080
01-840-7046	toy bus	6/18/01*	small parts	1,680
01-840-7047	toy car	6/18/01*	small parts	900
01-840-7052-55	toy phone car	6/18/01*	small parts	23,232

16. The FHSA and regulations issued thereunder address,
17 inter alia, toys that present a mechanical hazard because of the
18 risk of choking, aspiration, or ingestion. 15 U.S.C. §§
19 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), 16 C.F.R. § 1500.18(a)(9)
20 and Part 1501 ("small parts regulation").

21 17. Each of the toys referred to above in paragraph 15 is a
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"toy or other article intended for use by children" that

1 "presents . . . [a] mechanical . . . hazard" and is therefore a
2 "hazardous substance" within the meaning of the FHSA. 15 U.S.C.
3 §§ 1261(f)(1)(D) and (s).

4 18. Each of the toys referred to above in paragraph 15 is
5 intended for use by children under three years of age, and thus
6 each is subject to the small parts regulation.

7 19. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the
8 regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9), toys
9 and other articles intended for use by children under three years
10 of age are banned hazardous substances if they fail to meet the
11 test criteria described in the small parts regulation. Under
12 these criteria, no portion of a toy may separate and produce
13 small parts that fit entirely into the test fixture specified at
14 16 C.F.R. § 1501.4, before or after the toy is subjected to the
15 use and abuse tests specified at 16 C.F.R. §§ 1500.50 - 1500.52.

16 Each of the toys referred to above in paragraph 15 fails to meet
17 these test criteria for small parts because, when samples of each
18 toy obtained by the CPSC were subjected to the applicable use and
19 abuse testing, portions of each of the toys separated and
20 produced small parts that fit entirely into the test fixture.
21 Accordingly, the toys present choking, aspiration, or ingestion
22 hazards and are "banned hazardous substances" within the meaning
23 of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations
24 issued thereunder, 16 C.F.R. § 1500.18(a)(9).

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26 20. Each time it determined that the toys referred to above
27 in paragraph 15 were banned hazardous substances, the CPSC staff
28 informed Union Import and its President Tin Chwee Ko of such

determination. The CPSC staff also informed Union Import and Tin Chwee Ko that importation of those toys violated the FHSA.

COUNT TWO

21. Between June 8, 2000 and June 15, 2001, the CPSC staff collected from Lucky Toys samples of nine (9) types of toys, from an inventory of 178,224 units, that were banned hazardous substances and which Lucky Toys caused to be introduced into interstate commerce:

<u>Sample No.</u>	<u>Product</u>	<u>Entry/ Coll. Date*</u>	<u>Violation</u>	<u>Quantity</u>
00-860-6628	toy penguin	5/31/00	small parts	4,320
01-840-6142	toy bus	1/26/01	small parts	65,016
01-840-7026	train set	6/15/01*	small parts	12,528
01-840-7027	musical doll	6/15/01*	small parts	7,200
01-840-7032	musical doll	6/15/01*	small parts	46,440
01-840-7034	toy airplane	8/6/00	small parts	7,680
01-840-7035	toy car	10/8/00	small parts	32,640
01-840-7037	toy car	6/15/01*	small parts	960
01-840-7042	toy car	6/15/01*	small parts	1,440

22. The FHSA and regulations issued thereunder address, inter alia, toys that present a mechanical hazard because of the risk of choking, aspiration, or ingestion. 15 U.S.C. §§ 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), 16 C.F.R. § 1500.18(a)(9) and Part 1501 ("small parts regulation").

23. Each of the toys referred to above in paragraph 21 is a "toy or other article intended for use by children" that "presents . . . [a] mechanical . . . hazard" and is therefore a "hazardous substance" within the meaning of the FHSA. 15 U.S.C. §§ 1261(f)(1)(D) and (s).

24. Each of the toys referred to above in paragraph 21 is intended for use by children under three years of age, and thus each is subject to the small parts regulation.

25. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9), toys and other articles intended for use by children under three years of age are banned hazardous substances if they fail to meet the test criteria described in the small parts regulation. Under these criteria, no portion of a toy may separate and produce small parts that fit entirely into the test fixture specified at 16 C.F.R. § 1501.4, before or after the toy is subjected to the use and abuse tests specified at 16 C.F.R. §§ 1500.50 - 1500.52.

Each of the toys referred to above in paragraph 21 fails to meet these test criteria for small parts because, when samples of each toy obtained by the CPSC were subjected to the applicable use and abuse testing, portions of each of the toys separated and produced small parts that fit entirely into the test fixture. Accordingly, the toys present choking, aspiration, or ingestion hazards and are "banned hazardous substances" within the meaning of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9).

26. Each time it determined that the toys referred to above in paragraph 21 were banned hazardous substances, the CPSC staff informed Lucky Toys and its President Tin H. Ko of such determination. The CPSC staff also informed Lucky Toys and Tin H. Ko that the importation of those toys violated the FHSA.

COUNT THREE

27. On June 15, 2001, the CPSC staff collected from Lucky

Toys samples of a toy, from an inventory of 1,728 units, that was
1 a banned hazardous substance and which Lucky Toys caused to be
2 introduced into interstate commerce:

<u>Sample No.</u>	<u>Product</u>	<u>Entry/ Coll. Date*</u>	<u>Violation</u>	<u>Quantity</u>
01-840-7043	dog play set	6/15/01*	small parts/balls	1,728

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7 28. The FHSA and regulations issued thereunder address,
8 inter alia, toys that present a mechanical hazard because of the
9 risk of choking, aspiration, or ingestion. 15 U.S.C. §§
10 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), and 16 C.F.R. §§
11 1500.18(a)(17) ("small ball regulation").

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13 29. The toy referred to above in paragraph 27 is a
14 "toy or other article intended for use by children" that
15 "presents . . . [a] mechanical . . . hazard" and is therefore a
16 "hazardous substance" within the meaning of the FHSA. 15 U.S.C.
17 §§ 1261(f)(1)(D) and (s).

18 30. The toy referred to above in paragraph 27 is intended
19 for use by children under three years of age, and thus is subject
20 to the small parts and small ball regulation.

21 31. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the
22 regulations issued thereunder, 16 C.F.R. § 1500.18(a)(17), toys
23 and other articles intended for use by children under three years
24 of age are banned hazardous substances if they fail to meet the
25 test criteria described in the small ball regulation. Under the
26 criteria, the toy must not contain a ball that, under the
27 influence of its own weight, fits entirely into the specified
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test fixture described in 16 C.F.R. § 1500.18(a)(17). The toy referred to above in paragraph 27 fails to meet the test criteria for small balls because the toy contained a ball that, under its own weight, fit entirely into the small ball test fixture. The toy referred to above in paragraph 27 also fails to meet the test criteria for small parts because, when the toy was subjected to the applicable use and abuse testing, portions of the toy separated and produced small parts that fit entirely into the small parts test fixture described in 16 C.F.R. § 1501.4. Accordingly, the toy presents a choking, aspiration, or ingestion hazard and is a "banned hazardous substance" within the meaning of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. §§ 1500.18(a)(9) and (17).

32. Upon determining that the toy referred to above in paragraph 27 was a banned hazardous substance, the CPSC staff informed Lucky Toys and its President Tin H. Ko of such determination. The CPSC staff also informed Lucky Toys and Tin H. Ko that the importation of the toy violated the FHSA.

COUNT FOUR

33. Between June 13, 1997 and March 13, 2000, the CPSC staff collected from Kool Imports samples of sixteen (16) types of toys, from an inventory of 45,696 units, that were banned hazardous substances and which Kool Imports caused to be introduced into interstate commerce:

<u>Sample No.</u>	<u>Product</u>	<u>Entry/ Coll. Date*</u>	<u>Violation</u>	<u>Quantity</u>
97-860-6014	toy car	6/4/97	small parts	2,400
98-860-6130	toy phone	6/18/98	small parts	2,400

	98-860-6446	toy phone	7/10/98	small parts	2,400
1	99-860-4831&63	musical dolphin	10/20/98	small parts	2,400
2	99-860-4864	toy duck	10/20/98	small parts	4,800
3	99-860-4865	toy car	10/20/98	small parts	1,296
4	99-860-5692-93	animal toy	7/19/99	small parts	4,500
5	00-860-5468	toy elephant	10/19/99	small parts	900
6	00-860-5469	doll set	10/19/99	small parts	2,400
7	00-860-5500	toy car	12/7/99	small parts	3,600
8	00-860-5501	toy worm	12/7/99	small parts	3,600
9	00-860-5502	toy phone	12/7/99	small parts	2,400
10	00-860-5503	toy phone	12/7/99	small parts	1,800
11	00-860-5599	musical phone	11/8/99	small parts	3,600
12	00-860-5634	toy musical bus	11/24/99	small parts	4,800
	00-860-5635	toy bath set	10/18/99	small parts	2,400

13 34. The FHSA and regulations issued thereunder address,
14 inter alia, toys that present a mechanical hazard because of the
15 risk of choking, aspiration, or ingestion. 15 U.S.C. §§
16 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), 16 C.F.R. § 1500.18(a)(9)
17 and Part 1501 ("small parts regulation").

18 35. Each of the toys referred to above in paragraph 33 is a
19 "toy or other article intended for use by children" that
20 "presents . . . [a] mechanical . . . hazard" and is therefore a
21 "hazardous substance" within the meaning of the FHSA. 15 U.S.C.
22 §§ 1261(f)(1)(D) and (s).

23 36. Each of the toys referred to above in paragraph 33 is
24 intended for use by children under three years of age, and thus
25 each is subject to the small parts regulation.

26 37. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the
27 regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9), toys
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and other articles intended for use by children under three years
1 of age are banned hazardous substances if they fail to meet the
2 test criteria described in the small parts regulation. Under
3 these criteria, no portion of a toy may separate and produce
4 small parts that fit entirely into the test fixture specified at
5 16 C.F.R. § 1501.4, before or after the toy is subjected to the
6 use and abuse tests specified at 16 C.F.R. §§ 1500.50 - 1500.52.
7 Each of the toys referred to above in paragraph 33 fails to meet
8 these test criteria for small parts because, when samples of each
9 toy obtained by the CPSC were subjected to the applicable use and
10 abuse testing, portions of each of the toys separated and
11 produced small parts that fit entirely into the test fixture.
12 Accordingly, the toys present choking, aspiration, or ingestion
13 hazards and are "banned hazardous substances" within the meaning
14 of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations
15 issued thereunder, 16 C.F.R. § 1500.18(a)(9).

16 38. Each time it determined that the toys referred to above
17 in paragraph 33 were banned hazardous substances, the CPSC staff
18 informed Kool Imports and its President Rita Chin of such
19 determination. The CPSC staff also informed Kool Imports and
20 Rita Chin that importation of those toys violated the FHSA.

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22 COUNT FIVE

23 39. Between March 23, 2000 and April 6, 2000, the CPSC
24 staff collected from U.S. Customs samples of two (2) types of
25 toys, from an inventory of 3,850 units, that were banned
26 hazardous substances and which 333 Imports imported and caused to
27 be introduced into interstate commerce:

<u>Sample No.</u>	<u>Product</u>	<u>Entry/ Coll. Date*</u>	<u>Violation</u>	<u>Quantity</u>
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00-860-6490	tambo. play set	3/16/00	small parts	250
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00-860-6555	toy seal	3/28/00	small parts	3,600
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40. The FHSA and regulations issued thereunder address, inter alia, toys that present a mechanical hazard because of the risk of choking, aspiration, or ingestion. 15 U.S.C. §§ 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), 16 C.F.R. § 1500.18(a)(9) and Part 1501 ("small parts regulation").

41. Each of the toys referred to above in paragraph 39 is a "toy or other article intended for use by children" that "presents . . . [a] mechanical . . . hazard" and is therefore a "hazardous substance" within the meaning of the FHSA. 15 U.S.C. §§ 1261(f)(1)(D) and (s).

42. Each of the toys referred to above in paragraph 39 is intended for use by children under three years of age, and thus each is subject to the small parts regulation.

43. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9), toys and other articles intended for use by children under three years of age are banned hazardous substances if they fail to meet the test criteria described in the small parts regulation. Under these criteria, no portion of a toy may separate and produce small parts that fit entirely into the test fixture specified at 16 C.F.R. § 1501.4, before or after the toy is subjected to the use and abuse tests specified at 16 C.F.R. §§ 1500.50 - 1500.52. Each of the toys referred to above in paragraph 39 fails to meet these test criteria for small parts because, when samples of each toy obtained by the CPSC were subjected to the applicable use and

abuse testing, portions of each of the toys separated and produced small parts that fit entirely into the test fixture. Accordingly, the toys present choking, aspiration, or ingestion hazards and are "banned hazardous substances" within the meaning of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9).

44. Each time it determined that the toys referred to above in paragraph 39 were banned hazardous substances, the CPSC staff informed 333 Imports and its President Harry Chin of such determination. The CPSC staff also informed 333 Imports and Harry Chin that importation of those toys violated the FHSA.

COUNT SIX

45. Between October 9, 2001 and October 16, 2001, the CPSC staff collected from U.S. Customs samples of seven (7) types of toys, from an inventory of 27,990 units, that were banned hazardous substances and which Seven Stars imported and caused to be introduced into interstate commerce:

<u>Sample No.</u>	<u>Product</u>	<u>Entry/ Coll. Date*</u>	<u>Violation</u>	<u>Quantity</u>
02-840-6264-66	toy phone	10/1/01	small parts	7,200
02-840-6267	toy airplane	10/1/01	small parts	2,880
02-840-6383-84	toy phone	10/1/01	small parts	7,200
02-840-6385	toy tractor	10/1/01	small parts	630
02-840-6386	toy horse	10/1/01	small parts	7,200
02-840-6269	toy police car	10/9/01	small parts	2,160
02-840-6387	toy truck	10/9/01	small parts	720

46. The FHSA and regulations issued thereunder address,

inter alia, toys that present a mechanical hazard because of the risk of choking, aspiration, or ingestion. 15 U.S.C. §§ 1261(f)(1)(D), 1261(q)(1)(A), 1261(s), 16 C.F.R. § 1500.18(a)(9) and Part 1501 ("small parts regulation").

47. Each of the toys referred to above in paragraph 45 is a "toy or other article intended for use by children" that "presents . . . [a] mechanical . . . hazard" and is therefore a "hazardous substance" within the meaning of the FHSA. 15 U.S.C. §§ 1261(f)(1)(D) and (s).

48. Each of the toys referred to above in paragraph 45 is intended for use by children under three years of age, and thus each is subject to the small parts regulation.

49. Under the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations issued thereunder, 16 C.F.R. § 1500.18(a)(9), toys and other articles intended for use by children under three years of age are banned hazardous substances if they fail to meet the test criteria described in the small parts regulation. Under these criteria, no portion of a toy may separate and produce small parts that fit entirely into the test fixture specified at 16 C.F.R. § 1501.4, before or after the toy is subjected to the use and abuse tests specified at 16 C.F.R. §§ 1500.50 - 1500.52. Each of the toys referred to above in paragraph 45 fails to meet these test criteria for small parts because, when samples of each toy obtained by the CPSC were subjected to the applicable use and abuse testing, portions of each of the toys separated and produced small parts that fit entirely into the test fixture. Accordingly, the toys present choking, aspiration, or ingestion hazards and are "banned hazardous substances" within the meaning of the FHSA, 15 U.S.C. § 1261(q)(1)(A), and the regulations

INJUNCTION

1 52. Based on defendants' past and present course of
2 conduct, there is a substantial likelihood that, unless
3 restrained by order of this Court pursuant to 15 U.S.C.
4 § 1267(a), defendants will continue to introduce or cause the
5 introduction into interstate commerce of banned hazardous
6 substances in violation of 15 U.S.C. § 1263(a).

PRAYER

8 WHEREFORE, plaintiff respectfully requests that this Court:

9 1. Assess civil penalties against defendants in
10 accordance with the FHSA, 15 U.S.C. § 1264(c), for knowingly
11 violating the FHSA, 15 U.S.C. § 1263(a), by knowingly introducing
12 or causing the introduction into interstate commerce of banned
13 hazardous substances, as alleged in this Complaint.

14 2. Pursuant to 15 U.S.C. § 1267(a), permanently restrain
15 and enjoin defendants, and each and all of their officers,
16 agents, employees, attorneys, successors and assigns, and those
17 persons in active concert or participation with them, from
18 directly or indirectly introducing or causing the introduction
19 into interstate commerce of banned hazardous substances in
20 violation of 15 U.S.C. § 1263(a).

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3. Grant plaintiff judgment for its costs and such
1 other and further relief as it deems necessary and proper.

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3 DATED: May 21, 2002
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6 Respectfully submitted,

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