

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable MaryJoan McNamara
Administrative Law Judge**

In the Matter of

**CERTAIN HIGH-PERFORMANCE
GRAVITY-FED WATER FILTERS AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1294

**JOINT MOTION FOR RECEIPT OF EVIDENCE
WITHOUT A WITNESS**

Since the filing of the Parties' Joint Motion for Receipt of Evidence Without a Witness (Motion No. 1294-023), the Parties have continued to meet and confer to narrow the issues before the ALJ. Pursuant to Ground Rule 8.7.9, Complainant Brita LP ("Brita" or "Complainant") and Respondents¹ jointly submit this Motion for Receive of Evidence Without a Witness.

These exhibits submitted for receipt without a sponsoring witness consist of documents produced by Third-Parties and authenticated by declarations or affidavits. These categories of documents are often admitted into evidence without a sponsoring witness if there are no objections. *See, e.g.,* Certain Televisions, Remote Controls, and Components Thereof, Inv. No. 337-TA-1263, Order No. 28 (Jan. 13, 2022) (McNamara, ALJ).

The Parties have agreed to request that certain documents listed in the chart below be received into evidence without a sponsoring witness at the evidentiary hearing. These documents include exhibits introduced during the deposition of Monica Leslie, the corporate designee for NSF

¹ Respondents refers to Helen of Troy Limited, Kaz, USA, Inc., Zero Technologies, LLC, Culligan International Co., Vestergaard Frandsen Inc. d/b/a LifeStraw, EcoLife Technologies, Inc., and Qingdao Ecopure Filter Co., Ltd.

International. The parties reached an agreement that if this motion is granted, then Ms. Leslie’s testimony will not be introduced live or through a designated deposition transcript.

The below chart also includes designated deposition transcripts, which are admissible under Commission Rule 210.28(h)(2) and 210.28(h)(3)(vi). The Parties reserve their rights to object to, or counter designate, specific designations.

Finally, the below chart includes documents produced by Walmart and Lowe’s in this Investigation. Complainant is willing to stipulate to the admissibility of the documents produced by Walmart (WALMART_000001-116) and Lowe’s (LOWES000001) in this investigation.

Good cause exists to grant this motion because these exhibits are “[r]elevant, material and reliable evidence,” and appropriate for admission into evidence without a sponsoring witness. 19 C.R.F. § 210.37(b). Moreover, receiving these documents into evidence without a sponsoring witness is consistent with the Commission Rules, non-prejudicial to the parties, and will help create a complete record in this Investigation. Further, admitting these exhibits will ease the burden on third-parties NSF, Walmart and Lowes. Currently, Respondents anticipate calling NSF, Walmart and Lowes live at trial pursuant to trial subpoenas. If these exhibits are admitted via this Motion, then Respondents do not intend to call Ms. Leslie (NSF), Walmart and Lowes at the Hearing.

The proposed exhibits are listed below, accompanied by descriptions:

NSF Documents

Ex. No.	Description	Beg. Bates	End Bates
RX-1646	Leslie Exhibit 1 (NSF Subpoena)		
RX-1647	Leslie Exhibit 2 (NSF Deposition Revised Topics)		
RX-1648	Leslie Exhibit 3 (Compilation of 2006-2008 Certified Product Lists)	NSF00004227	NSF00005005

Ex. No.	Description	Beg. Bates	End Bates
RX-1649C	Leslie Exhibit 4 (Compilation of Wetted Parts Lists)	NSF00005005	NSF00005026
RX-1650	Leslie Exhibit 5 (Drinking Water Treatment Units – Health Effects)	NSF00000001	NSF00000124
RX-1651	Leslie Exhibit 6 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 59 draft 1 (March 2006))	NSF00001732	NSF00001738
RX-1652	Leslie Exhibit 7 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 59 draft 2 (April 2006))	NSF00001752	NSF00001758
RX-1653	Leslie Exhibit 8 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 62 draft 3 (April 2006))	NSF0000613	NSF0000622
RX-1654	Leslie Exhibit 9 (Memorandum, Proposed Revision to NSF/ANSI 53 - Drinking Water Treatment Units - Health Effects (53i62r3))	NSF00000627	NSF00000628
RX-1655	Leslie Exhibit 10 (Memorandum, Proposed Revision to NSF/ANSI 53 - Drinking Water Treatment Units - Health Effects (53i62r3))	NSF00000649	NSF00000650
RX-1656	Leslie Exhibit 11 (ANSI-WEB BSR-8/108 Form: Standards Action Public Review Request)	NSF00000661	NSF00000661
RX-1657	Leslie Exhibit 12 (NSF/ANSI Standard 53 Lead pH 8.5 Plumbed-in Task Group, DWTU Joint Committee, May 11, 2006)	NSF00000172	NSF00000221
RX-1658	Leslie Exhibit 13 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 62 draft 5 (August 2006))	NSF0002184	NSF0002191
RX-1659	Leslie Exhibit 14 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 62 draft 6 (October 2006))	NSF0000331	NSF0000339
RX-1660	Leslie Exhibit 15 (Memorandum, Proposed Revision to NSF/ANSI 53 - Lead pH 8.5 Reduction Test)	NSF00000158	NSF00000160
RX-1661	Leslie Exhibit 16 (Memorandum, Proposed Revision to NSF/ANSI 53 - Lead pH 8.5 Reduction Test)	NSF00000290	NSF00000292
RX-1662	Leslie Exhibit 17 (ANSI-WEB BSR-8/108 Form: Standards Action Public Review Request)	NSF00000231	NSF00000231
RX-1663	Leslie Exhibit 18 (NSF/ANSI Standard 53 Lead pH 8.5 Test 61 Ballot - DWTU Joint Committee, October 26, 2006)	NSF00000372	NSF00000419
RX-1664	Leslie Exhibit 19 (NSF/ANSI Standard for Drinking Water Treatment Units - Issue 62 draft 6e (November 2006))	NSF0000420	NSF0000428

Ex. No.	Description	Beg. Bates	End Bates
RX-1665	Leslie Exhibit 20 (Memorandum, Proposed Revision to NSF/ANSI 53 - Lead pH 8.5 Reduction Test)	NSF00000485	NSF00000486
RX-1666	Leslie Exhibit 21 (Memorandum, Proposed Revision to NSF/ANSI 53 - Lead pH 8.5 Reduction Test)	NSF00000516	NSF00000517
RX-1667	Leslie Exhibit 22 (Memorandum, Proposed revision to NSF/ANSI 53 - Lead pH 8.5 Reduction Test)	NSF00000154	NSF00000154
RX-1668	Leslie Exhibit 23 (ANSI-WEB BSR-8/108 Form: Standards Action Public Review Request)	NSF00000519	NSF00000520
RX-1669	Leslie Exhibit 24 (BSR-109I/ANSI Audited Designator Announcement of Approval – Withdrawal as American National Standard)	NSF00000134	NSF00000134
RX-1670	Leslie Exhibit 25 (Guidelines for Implementation of the ANSI Patent Policy)	ZTI00019632	ZTI00019640
RX-1671	Leslie Exhibit 26 (Conference Call on Standard 53 Gravity Feed Lead Reduction, pH 8.5 Meeting Summary)	NSF00000870	NSF00000871
RX-1672	Leslie Exhibit 27 (Conference Call on Standard 53 Plumbed-in Lead Reduction, pH 8.5 Draft Meeting Summary)	NSF00002140	NSF00002150
RX-1673	Leslie Exhibit 28 (NSF International Antitrust Guide)	ZTI00019641	ZTI00019661
RX-1674C	Leslie Exhibit 29 (NSF Report, Job Name: J-00049328 Program Manager: Eboni Stanford Program ID: 0020)	NSF00003970	NSF00003978
RX-1675	Leslie Exhibit 30 (NSF Listings and Consumer Guide Drinking Water Treatment Products and Related Components and Materials)	NSF00004579	NSF00004594

Deposition Designations

Ex. No.	Description
RX-2601	Designated Deposition Transcript of Roger Reid dated April 14, 2022
RX-2602	Designated Deposition Transcript of Bruce Saaski dated April 13, 2022
RX-2603 CX-0688	Designated Deposition Transcript of Brent Simmons dated April 15, 2022
RX-2604C	Designated Deposition Transcript of Glenn Cueman dated June 16, 2022
RX-2606C	Designated Deposition Transcript of Toni Lynch dated April 29, 2022

Walmart Documents

Ex. No.	Description
RX-2598C	Walmart Certificate of Authenticity of Domestic Business Records Pursuant to Federal Rule of Evidence 902(11)
RX-2550C	Walmart in Store Sales Data: Pur, 01-01-2000-12-31-2008
RX-2551C	Walmart in Store Sales Data: Pur, 01-01-2000-12-31-2008
RX-2597C	Walmart Certificate of Authenticity of Domestic Business Records Pursuant to Federal Rule of Evidence 902(11)
RPX-0149C	Walmart Sales Spreadsheet
RPX-0150C	Walmart Sales Spreadsheet
RPX-0151C	Walmart Sales Spreadsheet

Lowes Documents

Ex. No.	Description
RX-0246C	Pitcher, Dispenser, and Replacement Filter Model numbers and Sales Dates Table

August 11, 2022

Respectfully Submitted,

/s/ Paul A. Ainsworth

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CERTIFICATE OF SERVICE

I, hereby certify that on August 11, 2022 true and correct copies of the foregoing **JOINT MOTION FOR RECEIPT OF EVIDENCE WITHOUT A SPONSORING WITNESS** was served by the indicated means to the persons at the addresses below:

The Honorable Lisa R. Barton Secretary to the Commission U.S. International Trade Commission 500 E Street, S.W., Suite 112 Washington, D.C. 20436	Via electronic service (EDIS)
The Honorable MaryJoan McNamara Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W. Washington, D.C. 20436	Via electronic mail to: McNamara337@usitc.gov Jae.Lee@usitc.gov Nicole.Muhammad@usitc.gov
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Dated: August 11, 2022

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