ExSC_053D_2016

From: Mowry, Keith A. [mailto:Keith.A.Mowry@ul.com]
Sent: Friday, July 22, 2016 4:15 PM
To: PSA Department
Cc: Reinaldo Figueiredo
Subject: Proposed Revisions to ANSI Appeals Procedures: Public comments due by July 25, 2016

I have reviewed the attached draft and submit the following two comments:

1. ANSI Appeals Board Clause 11.3 – the paragraph introduces the term "respondent" (first use) which is undefined. It is not clear who the "respondent" is. Please define or clarify "respondent."

2. ANSI Appeals Board Clause 11.4 – the first bullet describes an Amicus Curiae response as being from a party "who has not been solicited by any of the parties". There is nothing in the Procedure that indicates the Appeal will be made public. How will an external party become aware of the appeal except via contact ()solicitation) from one of the parties involved? Specifically, only the appellant, the ANSI Appeals Board and the ANSI committee that issued the original decision will be aware of the appeal. As soon as the appellant or ANSI committee informs any other party about the appeal they have "solicited" that party and by definition the party can NOT provide an Amicus Curiae response. It appears an Amicus Curiae response is only possible for actions announced to the public in some manner. For ANSI Appeals, which apparently are not announced to the public, it is not possible to receive an Amicus Curiae response. If this is the case, then the description of an Amicus Curiae response in 11.4 can either be deleted OR needs to be altered so that contact from one of the parties to the appeal is an allowable trigger for an external party to provide an Amicus Curiae response

Thanks for the opportunity to comment.

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