

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

|                   |   |                          |
|-------------------|---|--------------------------|
| _____             | ) |                          |
| In the Matter of  | ) | CPSC Docket No. 12-2     |
|                   | ) |                          |
| ZEN MAGNETS, LLC, | ) |                          |
|                   | ) | Hon. Dean C. Metry       |
|                   | ) | Administrative Law Judge |
| Respondent.       | ) |                          |
| _____             | ) |                          |

**COMPLAINT COUNSEL’S MOTION IN LIMINE TO  
EXCLUDE PUBLIC OPINION POLLS COMMISSIONED BY RESPONDENT**

Pursuant to 16 C.F.R. §1025.23, Complaint Counsel hereby moves this Court to exclude two public opinion polls regarding small rare earth magnets (SREMs) that Respondent Zen Magnets has listed as part of its evidence in this action. In both polls, a July 2013 telephone poll conducted by Public Policy Polling and a July 2014 automated online Google Consumer Survey, responders are queried about their opinions regarding age restrictions on magnet use, and whether the responders approve of a market ban on various non-magnet products.

Complaint Counsel objects to introduction of the polls into evidence because they are wholly irrelevant to the issue to be addressed in this action—which is whether the Subject Products present a substantial product hazard. Public opinion polls about what age parents and potential parents think their children should be able to handle magnets safely, or whether the public is in favor of banning skateboards, balloons and alcohol, simply will not assist the Court in making these determinations. The Public Policy Polling and Google Consumer Survey therefore should be excluded from this case.

This Motion is based upon the accompanying memorandum of points and authorities, and upon the pleadings and records of this case.

Respectfully submitted,



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