

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of	)	
	)	
MAXFIELD AND OBERTON HOLDINGS, LLC	)	
	)	
	)	CPSC DOCKET NO. 12-1
	)	
Respondent.	)	

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LIST AND SUMMARY OF DOCUMENTARY EVIDENCE

Pursuant to 16 C.F.R. § 1025.11(b)(3) of the Commission’s Rules of Practice for Adjudicative Proceedings, the following is a list and summary of documentary evidence supporting the charges in this matter. Complaint Counsel reserves the right to offer additional evidence during the course of the proceedings.

1. Claims, complaints, medical records, and reports concerning incidents involving the Subject Products.
2. Reports from consumers regarding their purchase of the Subject Products for children under the age of 14, including their attention to and understanding of the Subject Products’ warnings, labeling, and instructions.
3. Documents evidencing the product warnings, labeling, and packaging since the introduction of Buckyballs® in 2009 and Buckycubes™ in 2011.
4. Advertisements, marketing and promotional materials for Buckyballs® or Buckycubes,™ including print and web media, since 2009.
5. Correspondence between Respondent and CPSC staff regarding failure of the product to comply with ASTM 963, and negotiations of a Corrective Action Plan, including

changes to marketing, warnings, and instructions.

6. Correspondence between Respondent and CPSC staff regarding the issuance of a 2011 safety alert.
7. CPSC In-Depth Epidemiological Investigation Reports of near-ingestion, ingestion, and injury incidents involving the Subject Products.
8. CPSC Product Safety Assessments from the Directorates for Engineering Sciences, Health Sciences, Human Factors, and Economic Analysis concerning the Subject Products.
9. Documentary evidence regarding changes to the packaging, labeling and instructions of the Subject Product since 2009.
10. Technical records, technical analyses, and evaluations of the Subject Products conducted by or for Respondent.
11. Technical records, technical analyses, and evaluations of the Subject Products from outside consultants retained by CPSC staff for the purposes of litigation.
12. Information provided by Respondent to the Commission's staff pertaining to the Subject Products.
13. Public notices issued by the Commission regarding the Subject Products.
14. Standards regarding high-powered magnets, including, but not limited to, ASTM F963-08.
15. Reports and publications from medical professionals regarding the hazards of ingestion of magnets, including how the injuries occur, the difficulty in diagnosing and treating such ingestion incidents, and the long term health consequences attendant to such injuries.

16. Information provided by consumers pertaining to any products liability, personal injury, or other lawsuits filed against Respondent in connection with the Subject Products.

Dated this 25 day of July, 2012.



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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2012, I served the foregoing List and Summary of Documentary Evidence upon all parties of record in these proceedings by hand delivering and mailing, certified mail, postage prepaid, a copy to each at their principal place of business, and courtesy copy to counsel, as follows:

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