UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of:	)	
	)	
MAXFIELD AND OBERTON HOLDINGS, LLC and ZEN MAGNETS, LLC	)	**CPSC DOCKET NOS. 12-1 & 12-2 (Consolidated)**
	)	
Respondents.	)	

In the Matter of:	)	
	)	
STAR NETWORKS USA, LLC	)	**CPSC DOCKET NO. 13-2**
	)	
	)	**HON. PARLEN L. MCKENNA**
Respondent.	)	

ORDER GRANTING AGENCY'S MOTION TO CONSOLIDATE CPSC DOCKET NUMBERS 12-1/12-2 AND 13-2

On December 17, 2012, counsel for the Consumer Product Safety Commission ("CPSC" or "Agency") filed a Motion to Consolidate CPSC Docket Nos. 12-1/12-2 (In re Maxfield and Oberton Holdings, LLC/In re Zen Magnets, LLC) with CPSC Docket No. 13-2 (In re Star Networks USA, LLC).[1] Agency counsel served the Motion to Consolidate on all Respondents.

On October 30, 2012, I issued an order consolidating CPSC Docket Nos. 12-1 and 12-2 in my capacity as Acting Chief Administration Law Judge because the cases had been assigned to two different presiding judges. That order assigned the consolidated cases to the Hon. Dean C. Metry.

[1] Maxfield and Oberton Holdings, LCC, Zen Magnets, LLC, and Star Networks USA, LLC are referred to collectively as Respondents.

Docket No. 13-2 was also assigned to Judge Metry. Nevertheless, to provide procedural consistency, on December 29, 2012, I ordered that I would render the decision on the Agency's Motion to Consolidate Docket No. 13-2 with the other two consolidated cases. That order gave the parties ten (10) days to provide a response to the CPSC's Motion to Consolidate.

On January 8, 2013, counsel for Star Networks USA, LLC ("Star Networks") filed a response opposing Agency counsel's efforts to consolidate. Counsel representing Star Networks also represents Zen Magnets, LLC ("Zen Magnets"). Zen Magnets did not file a response, but had previously objected to consolidation of the first two cases.

Maxfield and Oberton Holdings, LLC ("M&O") did not file a response, but had previously not objected to consolidation of the first two cases. On December 27, 2012, counsel for M&O filed a Notice of Withdrawal of Appearance of Counsel with Judge Metry. This Notice stated that M&O's certificate of formation as a Delaware Limited Liability Company was cancelled by the filing of a certification of cancellation with the Secretary of State of Delaware and that as a result, M&O "no longer exists." For the purpose of ruling on the Motion to Consolidate, I still view M&O as an extant party despite this Notice. Judge Metry will resolve the change, if any, to M&O's participation and status as a party.

Analysis

Counsel for Star Networks makes the same arguments against consolidation as he made in his opposition to the earlier consolidation motion. These arguments were rejected in the October 30, 2012 order consolidating CPSC Docket Nos. 12-1 and 12-2. No substantial difference between the Agency's respective motions to consolidate exists

to render the reasoning of the earlier consolidation order inapplicable for this case. For the same reasons stated in the October 30, 2012 order, consolidation of CPSC Docket Nos. 12-1/12-2 with 13-2 is warranted under 16 C.F.R. § 1025.19. Judge Metry will determine the degree of any bifurcation of issues as necessary based on how the cases progress.

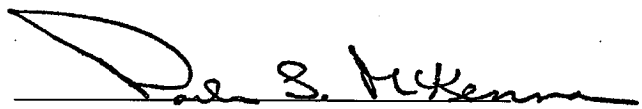
WHEREFORE:

Order

IT IS HEREBY ORDERED that the Agency's Motion to Consolidate CPSC Docket No. 13-2 with CPSC Docket Nos. 12-1 and 12-2 is **GRANTED**.

SO ORDERED.

Done and dated this the 11th day of January, 2013,
at Alameda, California.



HON. PARLEN L. McKENNA
Acting Chief Administrative Law Judge
United States Coast Guard

Certificate of Service

I hereby certify that I have this day served the foregoing document(s) (CPS Docket No. 12-1, No. 12-2 & No. 13-2) upon the following parties and limited participants (or designated representatives) in this proceeding at the listed facsimile in the following order:

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Dated on this 11th day in January 2013
At Alameda, California

Cindy J. Melendres, Paralegal Specialist
Alameda, California