

**UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION**

In the Matter of)	
)	CPSC Docket No: 12-2
)	CPSC Docket No: 13-2
)	
)	HON. DEAN C. METRY
ZEN MAGNETS, LLC)	
AND)	
STAR NETWORKS USA, LLC)	
)	
Respondents.)	

**ORDER GRANTING CPSC'S APPLICATION FOR LEAVE TO TAKE
DEPOSITIONS
AND
ORDER REGARDING NOTICE OF DEPOSITIONS**

Background

On June 9, 2014, the Consumer Product Safety Commission (CPSC) filed an Application for Leave to Take Depositions (Application) and Memorandum in Support of the same for the above-captioned matter.¹ The Application, filed in accordance with 16 C.F.R. § 1025.35, requested permission to depose the following individuals: Eric Sigurdson, David Adel, Dr. Boyd Edwards, David A. Richter, Ph.D., and Anthony J. Pelletier, Ph.D.

Also on June 9, 2014, CPSC filed a Notice of Deposition of Shihan Qu and Daniel Peykar.² On June 13, 2014, Respondents Zen Magnets, LLC and Star Networks,

¹ Pursuant to the undersigned's May 30, 2014 Modified Scheduling Order, parties were required to file applications for leave to take depositions not later than June 13, 2014.

² On this same date, CPSC Counsel also filed Complaint Counsel's Notice of Withdrawal of its Applications for the Issuance of Subpoenas of Non-Parties Alexis Lewites, Reid Synenberg, and Bethel Costello. In the filing, Counsel explained the three were former employees of Maxfield and Oberton Holdings, LLC, CPSC Docket No. 12-1. As CPSC Docket No. 12-1 has since been dismissed, Counsel no

LLC collectively filed a Notice of No Objection to Complaint Counsel's Motion for Leave to Take Depositions.

Discussion

The applicable regulations require a party wishing to depose another party to seek "leave from the Presiding Officer," before serving written notice of the deposition. 16 C.F.R. § 1025.35(b)(1). While CPSC Counsel requested leave to depose Eric Sigurdson, David Adel, Dr. Boyd Edwards, David A. Richter, Ph.D., and Anthony J. Pelletier, Ph.D., CPSC Counsel did not file an application for leave to take the depositions of Shihan Qu and Daniel Peykar.

As such, CPSC Counsel did not adhere to the governing regulations. As Counsel for Respondents does not object to the depositions of Eric Sigurdson, David Adel, Dr. Boyd Edwards, David A. Richter, Ph.D., and Anthony J. Pelletier, Ph.D., CPSC's Application is granted. To the extent Counsel for Respondents does not object to the depositions of Shihan Qu and Daniel Peykar, CPSC Counsel may conduct the depositions. If Counsel for Respondents does object, CPSC Counsel shall file an application to depose the individuals in accordance with 16 C.F.R. § 1025.35.

WHEREFORE,

IT IS HEREBY ORDERED THAT CPSC's request for leave to take depositions of Eric Sigurdson, David Adel, Dr. Boyd Edwards, David A. Richter, Ph.D., and Anthony J. Pelletier, Ph.D. is hereby **GRANTED**.

IT IS FURTHER ORDERED THAT to the extent Counsel for Respondents does not object to the depositions of Shihan Qu and Daniel Peykar, CPSC may take the

longer seeks subpoenas for these individuals. Of note, CPSC Counsel did not withdraw the application for Carol Pollack-Nelson, Ph.D. who appears related solely to CPSC Docket No. 12-1.

depositions. CPSC Counsel shall file a status update as to these two (2) depositions not later than **Friday, June 27, 2014.**

IT IS FURTHER ORDERED THAT CPSC Counsel shall show cause as to the failure to file a withdrawal for the application for the issuance of a subpoena to Carol Pollack-Nelson, Ph.D. not later than **Friday, June 27, 2014.**

SO ORDERED.

Done and dated this 18th day of June, 2014, at Galveston, TX


DEAN C. METRY
Administrative Law Judge