

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	CPSC Docket No. 12-2
ZEN MAGNETS, LLC)	CPSC Docket No. 13-2
AND)	
STAR NETWORKS USA, LLC,)	Hon. Dean C. Metry
)	Administrative Law Judge
Respondents.)	
)	

**COMPLAINT COUNSEL’S RESPONSE TO JUNE 18, 2014 ORDER
REGARDING PENDING SUBPOENA REQUEST AND
JOINT REPORT REGARDING STIPULATED DEPOSITIONS AND
USE OF DOCUMENTS PRODUCED IN DOCKET 12-1**

In response to the Court’s June 18, 2014, Order Granting CPSC’s Application for Leave to Take Depositions and Regarding Notice of Depositions (“Show Cause Order”), and the Court’s June 20, 2014 Memorandum and Order of Pre-Hearing Conference and Scheduling Order (“Status Conference Order”), Complaint Counsel respectfully reports to the Court on several pending discovery matters. Respondents have reviewed this Report and join Complaint Counsel in the submission of Section I of this Response.

I. DEPOSITIONS

The Parties have jointly stipulated to the following depositions, subject to the Court’s approval:

- Shihan Qu, CEO Zen Magnets: July 8, 2014 (Bethesda, MD)
- Eric Sigurdson, Zen Magnets: July 9, 2014 (Bethesda, MD)
- Daniel Peykar, Star Networks: July 10, 2014 (Newark, NJ)
- David Adel, Star Networks: July 11, 2014 (Newark, NJ)

- Anthony Pelletier, Ph. D.
- James M. Miller, Ph.D., Miller Engineering (Expert for Respondents)
- John Morrall, Ph.D. Morrall Economics (Expert for Respondents)
- David Richter, Ph.D. (Expert for Respondents)
- Boyd Edwards, Ph.D. (Expert for Respondents)
- Laurence Steinberg, Ph.D. (Expert for Complaint Counsel)
- J. Paul Frantz, Ph.D. (Expert for Complaint Counsel)
- Adam Noel, M.D. (Expert for Complaint Counsel)
- Vincent Amodeo (Expert for Complaint Counsel)
- Kathleen Stralka, M.A. (Expert for Complaint Counsel)
- Greg Rodgers, Ph.D. (Expert for Complaint Counsel)
- Jonathan Midgett, Ph.D.
- Joseph J. Martyak (per subpoena to be requested and issued by Respondents)

This stipulated list is submitted pursuant to the Court's Status Conference Order issued on June 20, 2014, and supersedes the parties' pending requests for depositions. Further, the parties have agreed to cooperate in the scheduling of depositions where dates have not yet been set, and to seek the Court's guidance if issues arise in the scheduling or taking of depositions. The parties retain all objections concerning these witnesses, including any objections to the relevance of their testimony, as well as all objections regarding the qualifications of proposed experts.

In its Show Cause Order dated June 18, 2010, the Court directed Complaint Counsel to report to the Court on the status of the proposed depositions of Shihan Qu and Daniel Peykar.

As discussed at the June 19, 2014 Status Hearing, the parties have stipulated to these depositions, including their scheduling.

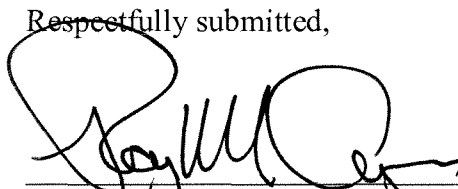
II. PENDING SUBPOENA REQUEST

In its June 18, 2014 Order, the Court also directed Complaint Counsel to show cause why it had not withdrawn its pending subpoena request as to Dr. Carol Pollack-Nelson. Dr. Pollack-Nelson is a human factors expert who was identified in discovery as an individual who had been involved in creating warnings for small rare earth magnets and in age labeling and age determination for small rare earth magnets. Until this week Complaint Counsel was considering identifying Dr. Pollack-Nelson as a witness and taking her deposition on the topics of warnings, instructions, and age grading. After further investigation and consideration, however, and after reaching agreement with Respondents' Counsel concerning further depositions, Complaint Counsel has determined that Dr. Pollack-Nelson's deposition will not be necessary, and respectfully withdraws the subpoena request.

III. USE OF DOCUMENTS

The parties have stipulated and agreed that they may use documents produced in Docket 12-1 in discovery and at the administrative hearing, but retain all objections to their admissibility, including, but not limited to, grounds of relevance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mary B. Murphy', is written over a horizontal line.

Mary B. Murphy, Assistant General Counsel
Jennifer Argabright, Trial Attorney
Daniel Vice, Trial Attorney
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U.S. Consumer Product Safety Commission

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Complaint Counsel for
U.S. Consumer Product Safety Commission
Bethesda, MD 20814

DATED: June 27, 2014

CERTIFICATE OF SERVICE

I hereby certify that I have provided on this date, June 27, 2014, Complaint Counsel's Response to June 18, 2014 Order Regarding Pending Subpoena Request and Joint Report Regarding Stipulated Depositions and Use of Documents Produced in Docket 12-1 upon the Secretary, the Presiding Officer, and all parties and participants of record in these proceedings in the following manner:

Original and three copies by hand delivery to the Secretary of the U.S. Consumer Product Safety Commission: Todd A. Stevenson.

One copy by electronic mail to the Presiding Officer for *In the Matter of Zen Magnets, LLC*, CPSC Docket No. 12-2 and *In the Matter of Star Networks USA, LLC*, CPSC Docket No. 13-2:

The Honorable Dean C. Metry
U.S. Coast Guard
U.S. Courthouse
601 25th St., Suite 508A
Galveston, TX 77550
Janice.M.Emig@uscg.mil

One copy by electronic mail to counsel for Respondents Zen Magnets, LLC and Star Networks USA, LLC:

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Complaint Counsel