

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

)	CPSC DOCKET 12-1
In the Matter of)	CPSC DOCKET 12-2
)	CPSC DOCKET 13-2
MAXFIELD AND OBERTON HOLDINGS, LLC)	(Consolidated)
ZEN MAGNETS, LLC)	
STAR NETWORKS USA, LLC)	Hon. Dean C. Metry
)	Administrative Law Judge
Respondents.)	

RESPONDENT CRAIG ZUCKER’S MOTION FOR PROTECTIVE ORDER

Pursuant to 16 C.F.R. § 1025.31(d), Respondent Craig Zucker files this motion seeking a protective order, and in support thereof states:

1. This is an action brought by Complaint Counsel under section 15(d) of the Consumer Product Safety Act, 15 U.S.C. § 2064(d), seeking a determination that Buckyballs® and Buckycubes™ present a substantial product hazard and for a recall of those products.

2. The Rules of Practice for Adjudicative Proceedings, 16 C.F.R. § 1025.31(c)(1) provides that “[p]arties may obtain discovery regarding any matter . . . which . . . is relevant to the subject matter involved in the proceedings”

3. Through discovery, including without limitation interrogatories and requests for production of documents directed to Mr. Zucker, and a subpoena directed to non-party Julie Teicher, the trustee of MOH Liquidating Trust (the “Trust”), Complaint Counsel seeks broad discovery related to matters not relevant to this proceeding. Specifically, Complaint Counsel seeks broad discovery concerning:

a) The financial records of Maxfield and Oberton Holdings, LLC (“M&O”), its former managers, officers, or employees including the personal financial records of Mr. Zucker;

b) Insurance policies maintained by M&O

c) The dissolution of M&O as a corporate entity under Delaware law; and

d) The formation of the Trust.

4. The categories of documents set forth above not relevant to this proceeding, which seeks a determination whether certain products constitute a substantial product hazard.¹

5. Permitting discovery of this non-relevant information will prolong this proceeding, cause and impose an undue burden and expense on all of the parties as well as non-parties, and may cause annoyance, embarrassment and oppression.

6. The Rules of Practice for Adjudicative Proceedings, 16 C.F.R. § 1025.31(d) authorizes the Presiding Officer, on motion by a party for good cause shown, to issue a protective order that, among other things, “discovery shall not be had,” 16 C.F.R. § 1025.31(d)(a), or “certain matters not be inquired into,” 16 C.F.R. § 1025.31(d)(4).

7. This Motion is accompanied by a Memorandum of Law, which is incorporated herein by reference

WHEREFORE, Respondent Craig Zucker requests the entry of an Order:

A. Granting this Motion for Protective Order; and

B. Prohibiting Complaint Counsel from seeking discovery on any of the following topics:

¹ The only financial information of M&O relevant to this proceeding are unit volume sales of the Subject Products and the customers to which they were sold. By this Motion, Respondent does not object to the production of this information.

1. The financial records of M&O, the Trust, or any other person or entity (except as they may relate to unit volume sales of the subject products and the customers to which they were sold);

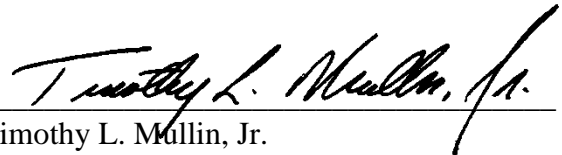
2. Insurance information of M&O, the Trust, or any other person or entity;

3. The winding up, dissolution or cancellation of M&O; and

4. The formation and activities of the Trust; and

C. In the alternative, limiting the scope of discovery from Respondents and non-parties to exclude from discovery the information set forth above until such time as the subject products are adjudicated a substantial product hazard, a remedy is ordered, and Mr. Zucker is determined to be responsible for implementing that remedy; and

D. Granting to Respondent Craig Zucker such other and further relief as justice and its cause require.



Timothy L. Mullin, Jr.
MILES & STOCKBRIDGE P.C.
100 Light Street
Baltimore, MD 21202
410-385-3641 (direct dial)
410-385-3700 (fax)
tmullin@MilesStockbridge.com

Co-Counsel for Respondent, Craig Zucker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2014, copies of **Respondent Craig Zucker's Motion for Protective Order** was sent by the service method indicated:

Original and three copies by U.S. mail, and one copy by electronic mail, to the Secretary of the U.S. Consumer Product Safety Commission:

Todd A. Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
tstevenson@cpsc.gov

One copy by U.S. mail and one copy by electronic mail to the Presiding Officer for *In the Matter of Maxfield and Oberton Holdings, LLC*, CPSC Docket No. 12-1; *In the Matter of Zen Magnets, LLC*, CPSC Docket No. 12-2, and *In the Matter Of Star Networks UA, LLC*, CPSC Docket No. 13-2:

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

One copy by electronic mail (by agreement) to Complaint Counsel:

Mary B. Murphy
Complaint Counsel and Assistant General Counsel
Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
mmurphy@cpsc.gov

Jennifer C. Argabright, Trial Attorney
jargabright@cpsc.gov
Mary Claire G. Claud, Trial Attorney
mcclaud@cpsc.gov
Daniel Vice, Trial Attorney
dvice@cpsc.gov
Complaint Counsel

Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

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

David C. Japha
The Law Offices of David C. Japha, P.C.
950 S. Cherry Street, Suite 912
Denver, CO 80246
davidjapha@japhalaw.com

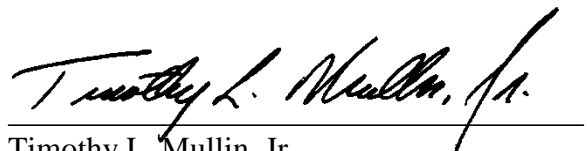
One copy by electronic mail (by agreement) to co-counsel for Craig Zucker:

Erika Z. Jones
Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006
ejones@mayerbrown.com

John R. Fleder
Hyman, Phelps & McNamara, P.C.
700 Thirteenth Street, N.W.
Suite 1200
Washington, DC 20005
jfleder@hpm.com

One copy by electronic mail (by agreement) to counsel for MOH Liquidating Trust:

Paul M. Laurenza
PLaurenza@dykema.com
Joshua H. Joseph
JJoseph@dykema.com
Dykema Gossett PLLC
Franklin Square Building
1300 I Street, N.W., Suite 300 West
Washington, DC 20005


Timothy L. Mullin, Jr.