

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

	)	CPSC Docket No: 12-1
In the Matter of	)	CPSC Docket No: 12-2
	)	CPSC Docket No: 13-2
MAXFIELD AND OBERTON	)	
HOLDINGS, LLC	)	
AND	)	
CRAIG ZUCKER, individually and as	)	
officer of MAXFIELD AND OBERTON	)	
HOLDINGS, LLC	)	
AND	)	HON. DEAN C. METRY
ZEN MAGNETS, LLC	)	
AND	)	
STAR NETWORKS USA, LLC	)	
	)	
	)	
Respondents.	)	
	)	

ORDER REGARDING SEPTEMBER 4, 2013 CORRESPONDENCE

On September 4, 2013, counsel for Respondent Craig Zucker sent a letter to the undersigned, copying all parties.¹ In the letter, counsel inquired as to whether the undersigned wanted the parties to file discovery and responses with the Secretary of the Commission. See 16 C.F.R. § 1025.31(h). Counsel explained it was his preference not to file such records. To date, no parties have filed anything in response to the letter. See 16 C.F.R. § 1025.23(c).

During the July 29, 2013 pre-hearing conference call, the undersigned indicated he would waive the portion of the regulations requiring the parties to file this information. To avoid any issues that may arise with confidential or proprietary information, the parties need not file discovery requests or responses with either the

¹ As the letter was not filed with the Secretary of the Commission, the undersigned has included a copy of the letter as **Attachment A**. See 16 C.F.R. § 1025.14(a).

undersigned or the Commission unless a dispute regarding the same arises. See 16 C.F.R. § 1025.31(i).

WHEREFORE,

IT IS HEREBY ORDERED THAT the parties need not file discovery or discovery responses with the Secretary of the Commission unless a discovery dispute should arise.

SO ORDERED.

Done and dated this 17th day of September 2013, at
Galveston, TX


DEAN C. METRY
Administrative Law Judge

ATTACHMENT A



**MILES &
STOCKBRIDGE P.C.**

TIMOTHY L. MULLIN, JR.
Direct Dial (410) 385-3641
TMullin@MilesStockbridge.com

September 4, 2013

Via Electronic Mail (Janice.M.Emig@uscg.mil)

Honorable Dean C. Metry
Administrative Law Judge
U.S. Coast Guard
U.S. Courthouse
601 25th St., Suite 508A
Galveston, TX 77550

Re: In the Matter of Maxfield and Oberton Holdings, LLC (CPSC Docket 12-1)

Dear Judge Metry:

As you know, I am co-counsel for respondent Craig Zucker in the above-referenced proceeding. I write to request clarification of an issue we discussed during our July 29, 2013 Pre-Hearing Conference.

During our conference, I understood that you requested parties not send you copies of discovery and responses as they were served, but instead serve you copies if disputes arose or if the discovery was otherwise relevant to an issue before you.

It is unclear to me whether you require parties to file discovery and responses with the Secretary of the Commission. See 16 CFR § 1025.31(h). In the courts in which I primarily practice, discovery requests and responses are not filed in the court record. Counsel serving the discovery or responses files a notice of service so the record reflects that the documents were served, but the actual documents are not filed in the record unless an issue arises concerning that discovery. See, e.g., Rule 5.2(a), Local Rules of the United States District Court for the District of Columbia;¹ Rule 104.5, Local Rules of the United States District Court for the District of Maryland;² Rule 2-401(d), Maryland Rules.

It is my preference that discovery materials not be filed with the Secretary of the Commission, consistent with the practice of most courts. The most important reason for this practice is that the discovery requests filed to date call for providing personal identifying information concerning witnesses, which in today's environment is not

¹ Available at
http://www.dcd.uscourts.gov/dcd/sites/www.dcd.uscourts.gov.dcd/files/2010_MARCH_LOCAL_RULES_REVISIED_July2011_July2013.pdf

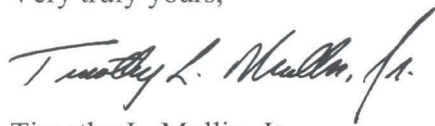
² Available at <http://www.mdd.uscourts.gov/localrules/LocalRules.pdf>.

appropriate for a readily accessible public record. The responses may also include other confidential information not suitable for the public record. If the Court determines that the discovery materials are to be filed with the Secretary of the Commission, I will file a motion for protective order seeking to file copies with personal identifying information or other confidential information redacted.

I apologize if you have already addressed this issue but it was unclear to me. If you believe this issue is more properly addressed by way of a motion, please let me know and I will be happy to file one.

Thank you for your consideration.

Very truly yours,



Timothy L. Mullin, Jr.

TLMjr/map

CC: Mary B. Murphy, Esquire (via electronic mail mmurphy@cpsc.gov)
Jennifer Argabright, Esquire (via electronic mail jargabright@cpsc.gov)
Richa Shyam Dasgupta, Esquire (via electronic mail rdasgupta@cpsc.gov)
David C. Japha, Esquire (via electronic mail davidjapha@japhalaw.com)
Erika Z. Jones, Esquire (via electronic mail ejones@mayerbrown.com)
John R. Fleder, Esquire (via electronic mail jfleder@hpm.com)