

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of	)	
	)	CPSC Docket No: 12-1
	)	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.	)	
	)	

SHOW CAUSE ORDER

Background

On November 15, 2013, Counsel for the Consumer Product Safety Commission (CPSC) filed two separate motions: one for CPSC Docket No. 12-1, and one for CPSC Docket Nos. 12-2 and 13-2. Directly below the title of each motion, CPSC included the language “**IN CAMERA**.” Neither motion provides any explanation as to why the motions were filed *in camera*.

The Certificates of Service for the motions indicate each motion was served only on counsel of record for that particular docket number. That is, even though CPSC Docket Nos. 12-1, 12-2, and 13-2 have been consolidated, the Certificate of Service indicates the motion for CPSC Docket No. 12-1 was not filed with counsel of record for CPSC Docket Nos. 12-2 and 13-2, and vice versa.

Discussion

Title 16 C.F.R. § 1025.45, “*In Camera* materials” provides, in relevant part:

(a) Definition. In camera materials are documents, testimony, or other data which by order of the Presiding Officer or the Commission are kept confidential and excluded from the public record.

(b) In camera treatment of documents and testimony. The Presiding Officer or the Commission shall have authority, when good cause is found on the record, to order documents or testimony offered in evidence, whether admitted or rejected, to be received and preserve in camera. The order shall specify the length of time for in camera treatment and shall include:

- (1) A description of the documents or testimony;
- (2) The reasons for granting in camera treatment for the specified length of time; and
- (3) The terms and conditions imposed by the Presiding Official, if any, limiting access to or use of the in camera material.

In the instant case, CPSC has not alleged good cause for filing the documents *in camera*; in fact, it is altogether unclear why the motions were filed as such. The relevant regulatory provision, 16 C.F.R. § 1025.45, appears under Subpart E, entitled “Hearings”, and refers to “documents or testimony offered into evidence.” The regulations do not contemplate motions being exempted from public disclosure, particularly when no explanation or argument has been provided.¹

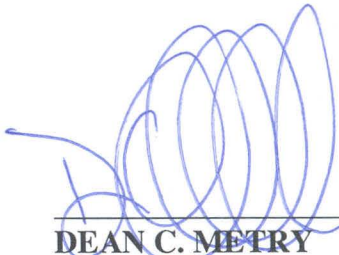
¹ Further, 16 C.F.R. § 1025.68, “Prohibited communications” defines “*ex parte communication*” as “[a]ny written communication concerning a matter in adjudication which is made to a decision-maker by any person subject to these Rules, which is not served on all parties...”. (Emphasis added).

ORDER

WHEREFORE, Counsel for the Consumer Product Safety Commission is hereby ordered to **SHOW CAUSE** not later than **Monday, December 9, 2013** as to why the motions were filed *in camera* and why they should not be made part of the public record.

SO ORDERED.

Done and dated this 26th day of November, 2013, at
Galveston, TX


DEAN C. METRY
Administrative Law Judge