

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

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

**SCHEDULING ORDER**

On April 1, 2014, the undersigned issued an Order Regarding Status of Discovery, ordering the parties to file a detailed update as to the status of discovery not later than April 7, 2014. On Friday, April 4, 2014, Mr. Zucker provided a Status Report Concerning Discovery. On April 7, 2014, Complaint Counsel filed a Status Report. In the Status Report, Complaint Counsel noted it had recently received, inter alia, 700,000 pages of documents from the MOH Liquidating Trust, but indicated it believed it could complete review of the discovery documents by May 23, 2014. Counsel for both parties indicated they would confer to see if some of the issues raised in the parties' motions to compel could be resolved without court intervention.

On April 7, 2014, Counsel for Zen Magnets, LLC and Star Networks LLC filed a Joint Status Report Concerning Discovery ("Joint Status Report"). In the Joint Status Report, Counsel indicated the companies "have not served any discovery requests upon Complaint Counsel to date, awaiting review of responses to discovery requests made by Complaint Counsel on Mr. Zucker, and Complaint Counsel's responses to requests made by Mr. Zucker."

Pursuant to the undersigned's July 30, 2013 Scheduling Order, the parties were ordered to complete the exchange of discovery not later than January 17, 2014. In this regard, both Complaint Counsel and Counsel for Mr. Zucker filed initial discovery requests in August 2013. Although the discovery process was complicated by third party subpoenas and other discovery-related motions, it is unacceptable that, to date, Counsel for Zen Magnets, LLC and Star Networks LLC has not filed initial discovery requests, but apparently still plans to do so. Counsel's attempts to benefit from the discovery requests of Mr. Zucker serve only to delay the proceeding.

Based on the recent filings, it is clear the parties need firm deadlines to complete the discovery process. The undersigned encourages the parties to continue to work cooperatively, however, all parties are expected to comport with the firm deadlines set forth below. While the discovery is undoubtedly voluminous, the parties have already been engaged in the discovery process for a considerable amount of time; thus, the undersigned will not grant any extensions of time from these deadlines absent extraordinary circumstances and good cause shown. See 16 C.F.R. § 1025.37 (explaining the Presiding Officer may issue sanctions for failure to comply with discovery orders).

**WHEREFORE,**

**IT IS HEREBY ORDERED THAT** all outstanding discovery requests shall be served on or before Friday, April 18, 2014.

**IT IS FURTHER ORDERED THAT** in accordance with the undersigned's April 3, 2014 Order Regarding Complaint Counsel's Expedited Motion, all responses to the pending Motions to Compel shall be served on or before Friday, April 18, 2014.

**IT IS FURTHER ORDERED THAT** any additional applications for leave to take depositions shall be served on or before Friday, April 25, 2014.

**IT IS FURTHER ORDERED THAT** all outstanding responses to any additional discovery requests shall be served on or before Monday, May 19, 2014.

**IT IS FURTHER ORDERED THAT** any additional motions to compel discovery shall be served on or before Monday, June 9, 2014.

**IT IS FURTHER ORDERED THAT** all requests for the ALJ to take official notice of "laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules" shall be served on or before Monday, June 9, 2014.

**IT IS FURTHER ORDERED THAT** discovery shall cease on Monday, June 23, 2014.

**IT IS FURTHER ORDERED THAT** the disclosure of witnesses and documents and other physical exhibits intended to be introduced into evidence shall be served no later than Monday, June 30, 2014.

**IT IS FURTHER ORDERED THAT** any motions related to limit the witnesses, particularly to avoid duplicative witnesses, shall be served no later than Monday, July 14, 2014.

**IT IS FURTHER ORDERED THAT** all motions, including motions for summary decision, shall be served on or before Monday, July 14, 2014.

**IT IS FURTHER ORDERED THAT** all pre-hearing briefs shall be served on or before Monday, July 21, 2014.

**IT IS FURTHER ORDERED THAT** all offers of settlement will be considered until Monday, July 28, 2014.

**IT IS FURTHER ORDERED THAT** all requests for the Presiding Officer to issue subpoenas to compel the appearance of witnesses shall be served no later than Monday, July 28, 2014.

The undersigned will schedule a final pre-hearing conference call to set the matter for hearing.

**SO ORDERED.**

Done and dated this 10th day of April, 2014, at  
Galveston, TX

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

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**DEAN C. METRY**  
**Administrative Law Judge**