

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
)	
ZEN MAGNETS, LLC,)	CPSC DOCKET NO. 12-2
)	
RESPONDENT)	Hon. Dean C. Metry
)	Administrative Law Judge
)	
)	

**ORDER GRANTING RESPONDENT’S MOTION TO DISMISS BASED ON
VIOLATION OF DUE PROCESS**

This matter is before the Court on the Respondent’s Motion to Dismiss based on violation of Due Process. Respondent argues that it will not be able to receive a fair appeal in this matter because the Consumer Product Safety Commission has already adjudged the subject products as being an unreasonable risk of injury to the public. Zen Magnets reasons that if it loses before this tribunal it won’t receive a fair appeal and if it wins the Commission could force an appeal on its own wherein it has already determined Zen’s fate.

The Court agrees. For all of the reasons set forth in the Motion to Dismiss, that Motion is GRANTED. Further, the Court finds that Zen Magnets, LLC is the prevailing party for purposes of the EAJA.

Done this ____ day of November, 2014.

Presiding Officer