

EXHIBIT B

Vice, Daniel

From: Vice, Daniel
Sent: Monday, February 10, 2014 1:08 PM
To: tmullin@milesstockbridge.com
Cc: Argabright, Jennifer; Murphy, Mary; EJones@mayerbrown.com; Davidjapha@japhalaw.com; jfleder@hpm.com
Subject: RE: Maxfield & Oberton: Motion to Compel

I am writing to follow up on your telephone call and e-mail of February 7, 2014, concerning the two matters set forth below.

The first matter you raised pertained to your client's intention to file a motion extending the time within which he must file a motion to compel production of discovery responses. You noted that since the parties are in the midst of discovery, such an extension would be appropriate. We do not disagree. Complaint Counsel is in fact preparing a supplemental production of documents to be sent to you this week. In addition, the parties will be reviewing documents produced by the Trust over the next month. In order to ensure that all parties have an opportunity to review the documents provided by the Trust before filing motions to compel, we suggest filing a joint motion to extend the time for all parties to file motions to compel until March 31, 2014.

You further advised that you were challenging Complaint Counsel's designation of the entirety of its production thus far as Confidential, and were initiating a dialogue pursuant to your meet and confer obligations under Paragraph 7(a) of the January 8, 2014, Protective Order. Specifically, you requested that Complaint Counsel reexamine all of the discovery produced to date and independently assess each item to determine whether it falls within the ambit of Confidential material. We understand your request is based on your desire to share public information with individuals who have not signed the Protective Order. However, your suggestion that Complaint Counsel undertake a complete review of thousands of pages of documents produced to date is unduly burdensome, unreasonable and unnecessary.

Complaint Counsel marked documents from the agency's files that were produced in the first discovery production as Confidential for the various reasons set forth in the Protective Order, including, but not limited to the fact that the documents contain "research, technical, financial or commercial information that the party has maintained as confidential." This would include information that has been incorporated into our investigative files or has otherwise been maintained as Confidential by the agency. Counsel for Mr. Zucker need only have individuals sign Attachment A to the Protective Order for such individuals to be able to review Confidential documents, as long as those individuals fall within the limits of Paragraph 5(b) of the Protective Order.

Moreover, in your e-mail, you identified only two documents that you believe should not be categorized as Confidential (ZUC000936-ZUC000938, ZUC001132-001248). We have reviewed the two documents you identified and agree to remove the Confidentiality stamp from those documents. As provided in paragraph seven of the Protective Order, we are willing to examine any additional documents that you wish us to reconsider and determine, on an individual basis, whether to remove the Confidentiality designation.

We believe the procedure proposed above is an efficient approach that will comport with the terms of the Protective Order, not pose an undue burden on Complaint Counsel, and allow these proceedings to continue without undue delay.

Daniel Vice
Trial Attorney
Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814
301-504-6996 (phone)
301-504-0403 (fax)
dvice@cpsc.gov

From: Mullin, Timothy L. [<mailto:TMULLIN@MilesStockbridge.com>]
Sent: Monday, February 10, 2014 11:40 AM
To: Argabright, Jennifer
Subject: Maxfield & Oberton: Motion to Compel


Jennifer:

Please let me know by close of business today whether you will consent to an extension of time within which to file a motion to compel with respect to Complain Counsel's document production.

I need to file that motion by tomorrow.

If you would like to discuss it further, please feel free to give me a call.

Thanks.

 MILES & STOCKBRIDGE P.C.	
Timothy L. Mullin, Jr.	100 Light Street Baltimore, MD 21202
410.385.3641 Direct 410.458.7214 Mobile tmullin@milesstockbridge.com	410.727.6464 Office 410.385.3700 Direct Fax milesstockbridge.com
Product Safety Blog Manufacturing & Distribution Microsite	

[VCard](#) | [File](#) | [LinkedIn](#) | [Twitter](#)

In accordance with Internal Revenue Service rules, any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.