

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of	)	
	)	
MAXFIELD AND OBERTON HOLDINGS, LLC	)	CPSC DOCKET NO. 12-1
ZEN MAGNETS, LLC	)	CPSC DOCKET NO. 12-2
STAR NETWORKS USA, LLC	)	CPSC DOCKET NO. 13-2
	)	(Consolidated)
Respondents.	)	
_____	)	

**COMPLAINT COUNSEL’S MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINTS IN DOCKET NOS. 12-1 AND 12-2**

Pursuant to Commission Regulations at 16 C.F.R. §1025.13, Complaint Counsel moves to amend its Amended Complaints in CPSC Docket Nos. 12-1 and 12-2 against Maxfield and Oberton Holdings, LLC (“M&O”) and Zen Magnets, LLC (“Zen”), respectively, in response to recent actions by each of those Respondents. Copies of the proposed Second Amended Complaints, as well as revised Lists and Summaries of Documentary Evidence, are attached as Exhibits A and B.

In Docket 12-1, counsel for Respondent M&O withdrew from this proceeding in December 2012, asserting that M&O ceased to exist following the filing of a Certificate of Dissolution on December 27, 2012. Under the Supreme Court’s responsible corporate officer doctrine discussed more fully in the accompanying memorandum, Complaint Counsel seeks to add Craig Zucker as a Respondent, both in his capacity as Chief Executive Officer of M&O and in his individual capacity, in light of this development. *See United States v. Park*, 421 U.S. 658 (1975); *United States v. Dotterweich*, 320 U.S. 277 (1943); *see also United States v. Shelton*

*Wholesale, Inc.*, 34 F. Supp. 2d 1147 (W.D. Mo. 1999).

In Docket No. 12-2, Complaint Counsel seeks to amend the Amended Complaint to include a new product line of aggregated masses of high-powered, small rare earth magnets that Zen has recently resumed selling under the brand name Neoballs. Upon information and belief, Neoballs are substantively identical, in both their physical properties and in the hazard presented, to other aggregated masses of high-powered, small rare earth magnets sold by Zen and subject of the Amended Complaint accepted for filing on October 15, 2012.<sup>1</sup> The Second Amended Complaint seeks to ensure that any remedies that are applied to Respondent's Zen Magnets product line also are applied to its Neoballs product line.

Pursuant to 16 C.F.R. § 1025.13, the Court may allow amendments, such as these, that “do not unduly broaden the issues in the proceedings or cause undue delay.” In Docket 12-1 the proposed change adds a Respondent to the proceeding, and in Docket 12-2 the proposed change adds a new product line that is substantively identical to the magnets at issue in the proceeding. Thus, in neither instance would the changes alter the fundamental issues already before this Court. Nor will the amended complaints cause “undue delay” given that Complaint Counsel has no choice, in light of actions taken by Respondents, but to amend the complaints to seek meaningful and comprehensive relief.

Respectfully submitted,



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<sup>1</sup>See Order Granting Motion to Amend Complaint and Supplemental Motion to Amend Complaint and Memorandum of Pre-Hearing Conference and Scheduling Order, CPSC Docket No. 12-2 (Oct. 15, 2012).

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