

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	CPSC DOCKET 12-1
)	CPSC DOCKET 12-2
)	CPSC DOCKET 13-2
MAXFIELD AND OBERTON HOLDINGS, LLC)	(Consolidated)
ZEN MAGNETS, LLC)	
STAR NETWORKS USA, LLC)	Hon. Dean C. Metry
)	Administrative Law Judge
Respondents.)	

MEMORANDUM IN SUPPORT OF RESPONDENT CRAIG ZUCKER'S FIRST APPLICATION FOR LEAVE TO TAKE DEPOSITIONS

Pursuant to 16 C.F.R. § 1025.35, Respondent Craig Zucker seeks leave to take depositions upon oral examination in defense of Complaint Counsel's allegations in the above proceeding.

Section 1025.31 of Title 16 of the Code of Federal Regulations contains general provisions concerning discovery. Section 1025.31(c)(1) provides:

Parties may obtain discovery regarding any matter, not privileged, which is within the Commission's statutory authority and is relevant to the subject matter involved in the proceedings, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

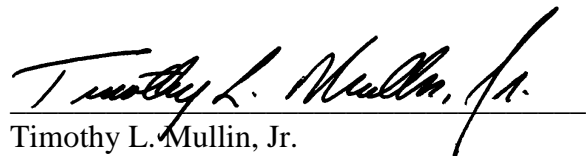
16 C.F.R. § 1025.31(c)(1).

The proposed deponents consist of two categories of persons. First, Respondent seeks leave to depose some employees (and one former employee) of the U.S. Consumer Product

Safety Commission (“CPSC”) who were identified by Complaint Counsel as assisting in responding to Respondent’s interrogatories, or who are identified in the public record as participating in the CPSC’s investigation into aggregated masses of high-powered magnets.

Second, Respondent seeks leave to depose the expert witnesses designated by Complaint Counsel. Although Complaint Counsel has identified expert witnesses, Complaint Counsel has not provided a substantive response to Respondent’s interrogatory requesting the subject matter of each expert’s testimony, the substance of the facts and opinions of each expert and a summary of the grounds for each expert’s opinions.

The testimony of each of these persons is clearly relevant to the subject matter involved in this proceeding and within the scope of permissible discovery. Consequently, Respondent respectfully requests that his application be granted.



Timothy L. Mullin, Jr.
MILES & STOCKBRIDGE P.C.
100 Light Street
Baltimore, MD 21202
410-385-3641 (direct dial)
410-385-3700 (fax)
tmullin@MilesStockbridge.com

Co-Counsel for Respondent, Craig Zucker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2013, copies of **Memorandum in Support of Respondent Craig Zucker's First Application for Leave to Take Depositions** was sent by the service method indicated:

Original and three copies by U.S. mail, and one copy by electronic mail, to the Secretary of the U.S. Consumer Product Safety Commission:

Todd A. Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
tstevenson@cpsc.gov

One copy by U.S. mail and one copy by electronic mail to the Presiding Officer for *In the Matter of Maxfield and Oberton Holdings, LLC*, CPSC Docket No. 12-1; *In the Matter of Zen Magnets, LLC*, CPSC Docket No. 12-2, and *In the Matter Of Star Networks UA, LLC*, CPSC Docket No. 13-2:

The Honorable Dean C. Metry
U.S. Coast Guard
U.S. Courthouse
601 25th Street, Suite 508A
Galveston, TX 77550
Janice.M.Emig@uscg.mil

One copy by electronic mail (by agreement) to Complaint Counsel:

Mary B. Murphy
Complaint Counsel and Assistant General Counsel
Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
mmurphy@cpsc.gov

Jennifer C. Argabright, Trial Attorney
jargabright@cpsc.gov
Mary Claire G. Claud, Trial Attorney
mcclaud@cpsc.gov
Daniel Vice, Trial Attorney
dvice@cpsc.gov

Complaint Counsel
Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

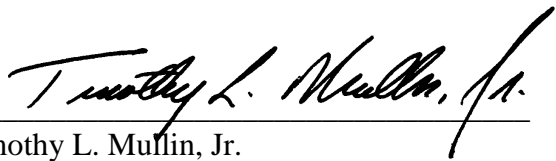
One copy by electronic mail (by agreement) to counsel for Respondents Zen Magnets, LLC and Star Networks USA, LLC:

David C. Japha
The Law Offices of David C. Japha, P.C.
950 S. Cherry Street, Suite 912
Denver, CO 80246
davidjapha@japhalaw.com

One copy by electronic mail (by agreement) to co-counsel for Craig Zucker:

Erika Z. Jones
Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006
ejones@mayerbrown.com

John R. Fleder
Hyman, Phelps & McNamara, P.C.
700 Thirteenth Street, N.W.
Suite 1200
Washington, DC 20005
jfleder@hpm.com



Timothy L. Mullin, Jr.