

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

)	
In the Matter of)	
)	
ZEN MAGNETS, LLC,)	CPSC DOCKET NO. 12-2
)	
RESPONDENT)	
)	
)	
)	
)	

**RESPONDENT’S MOTION TO STAY COMPLAINT COUNSEL’S
APPEAL OF THE INITIAL DECISION PENDING DISPOSITION OF
RESPONDENT’S MOTION TO DISQUALIFY THE
COMMISSION OR SOME OF ITS COMMISSIONERS**

Pursuant to 16 C.F.R. § 1025.23, Respondent hereby moves the Commission to stay the proceedings in CPSC Docket 12-2 pending disposition of Respondent’s motion for the Commission to disqualify itself, or in the alternative, individual Commissioners from hearing the appeal, and as grounds therefore, Respondent states:

1. Filed herewith is a Motion to Disqualify the Commission or Some of Its Members and a Memorandum in support thereof.
2. Insofar as that Motion requests that the Commission decide it before hearing the appeal, it makes sense to stay the time for Respondent’s Answering Brief.
3. The basis of the Motion to Disqualify is Respondent’s Due Process Rights pursuant to the Fifth and Fourteenth Amendments to the United States Constitution.
4. Staying the appellate proceedings until that motion is decided would be in the interests of justice.

5. This motion is based on the accompanying memorandum of points and authorities in support of the Motion to Disqualify and records in this case.

WHEREFORE, believing good cause having been shown, Respondent seeks an Order staying the appeal proceedings in this matter pending resolution of its Motion to Disqualify.

DATED THIS 6th day of May, 2016

Respectfully submitted,



LEVIN JACOBSON JAPHA P.C.
DAVID C. JAPHA, Colorado Bar #14434
950 SOUTH CHERRY STREET, STE. 912
DENVER, CO 80246
(303) 964-9500
DAVIDJAPHA@JAPHALAW.COM
DAVIDJ@LJLAW.COM

EVAN J. HOUSE, Colorado Bar #48607
8602 SNOWBRUSH LANE
HIGHLANDS RANCH, CO 80126
(303) 888-0079
EJHOUSE.ESQ@GMAIL.COM
Attorneys for Respondent Zen Magnets

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of May, 2016, I served copies of this **Motion for Stay** 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 electronic mail (by agreement) and one mailed copy to Complaint Counsel: Mary B. Murphy, Complaint Counsel and Assistant General Counsel

mmurphy@cpsc.gov

and

Daniel Vice, Trial Attorney

dvice@cpsc.gov

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



David C. Japha