

**UNITED STATES OF AMERICA
CONSUMER PROTECTION SAFETY COMMISSION**

IN THE MATTER OF:)	DOCKET NUMBER:
)	
MAXFIELD AND OBERTON HOLDINGS, LLC)	CPS DOCKET NO. 12-1
)	
RESPONDENT.)	

MEMORANDUM OF TELEPHONIC PREHEARING

On September 19, 2012, and in accordance with 16 C.F.R. §1025.21, the court convened a telephonic prehearing conference in the above-captioned matter. Mary B. Murphy, Esq. appeared on behalf of the U.S. Consumer Product Safety Commission (CPSC or Commission). Paul M. Laurenza, Esq. appeared on behalf of Respondent Maxfield and Oberton Holdings, LLC (Respondent).

At the outset of the conference, the court inquired whether either party wished to voice any concerns of prejudice insofar as the late publication of Notice of Telephonic Prehearing Conference in the Federal Register.¹ Both parties denied any prejudice resulted as of the late publication. The court further noted a scrivener's error within both the court's Notice of Telephonic Prehearing Conference, dated September 6, 2012, and the Federal Register's Notice of Telephonic Prehearing Conference, to wit: Respondent was incorrectly referred to as "Maxwell and Oberton Holdings, LLC." Both parties denied any prejudice occurred as a result of the scrivener's error. Further, a correction was published in the Federal Register.

¹ Pursuant to 16 C.F.R. §1025.21(b), notice of the first prehearing conference should be published in the Federal Register at least ten days prior to the scheduled conference. The notice was published only 5 days prior to the appointed date.

On September 18, 2012, the Commission filed a Motion for Leave to File Amended Complaint (Motion for Leave). Inasmuch as Respondent has not had sufficient time to review the contents of the Commission's Motion and its proposed Amended Complaint, the court announced that it would convene a second telephonic prehearing conference with the parties to discuss substantive and procedural matters, including the Commission's pending Motion for Leave. In the interest of expediency, and pursuant to 16 C.F.R. §1025.23(c), the court announced Respondent's time to file a response in opposition, if any, shall be shortened. Respondent shall file a response in opposition, if any, not later than 5:00 p.m. (CDT), Monday, September 24, 2012.

Parties are reminded to abide by the regulation regarding service of documents set forth at 16 C.F.R. §1025.16. However, in order to ensure the court and Commission promptly receive Respondent's response in opposition, if any, Respondent is directed to transmit its pleading via facsimile or electronic mail to the court and Commission counsel in addition to the requirements of 16 C.F.R. §1025.16.

The court shall issue Notice of Second Telephonic Prehearing Conference by separate order.

IT IS SO ORDERED.

Done and dated this the 19th day of September, 2012,
at New Orleans, Louisiana.



HON. BRUCE TUCKER SMITH
ADMINISTRATIVE LAW JUDGE