

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of )  
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MAXFIELD AND OBERTON HOLDINGS, LLC )  
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 ) CPSC DOCKET NO. 12-1  
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 )  
Respondent. )  

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**MEMORANDUM IN SUPPORT OF SUPPLEMENTAL MOTION  
FOR LEAVE TO FILE AMENDED COMPLAINT**

On July 25, 2012, Complaint Counsel issued a Complaint authorized by the U.S. Consumer Product Safety Commission pursuant to the Rules of Practice for Adjudicative Proceedings (“Rules”). 16 C.F.R. § 1025.11(a). The Complaint alleges that Buckyballs® and Buckycubes™ (the “Subject Products”), which are imported and distributed by Respondent, contain defects which create a substantial risk of injury to the public, thus posing a substantial product hazard under 15 U.S.C. § 2064(a)(2). Complaint Counsel attached to that Complaint a List and Summary of Documentary Evidence pursuant to 16 C.F.R. §1025.11(b)(3).

On September 18, 2012, Complaint Counsel filed a Motion for Leave to File Amended Complaint.<sup>1</sup> Counsel seeks to supplement that filing by attaching the List and

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<sup>1</sup> See Supplemental Motion for Leave to File Amended Complaint, Attachment 1.

Summary of Documentary Evidence<sup>2</sup> to that Amended Complaint pursuant to 16 C.F.R. §1025.11(b)(3).

Complaint Counsel hereby requests that the Court grant the Supplemental Motion for Leave to File Amended Complaint because the instant pleading “do[es] not unduly broaden the issues in the proceedings or cause undue delay.” 16 C.F.R. § 1025.13. The List and Summary of Documentary Evidence attached as Attachment 2 to the supplemental motion is substantively identical<sup>3</sup> to that which was attached to the original Complaint, and counsel has made no changes to the Motion for Leave to Amend the Complaint or the Amended Complaint.

Granting this supplemental motion will not cause undue delay. These proceedings have been pending for less than two months. A telephonic prehearing conference was held on September 19, 2012. A second prehearing conference, at which arguments on the Motion for Leave to File Amended Complaint will be heard, has not been scheduled. There are no additional facts raised by this supplemental motion that will interfere with the scheduling of that conference or the consideration of the issues by the Court. This Supplemental Motion for Leave to File Amended Complaint is a timely submission that will not materially affect the schedule of this proceeding.

#### Conclusion

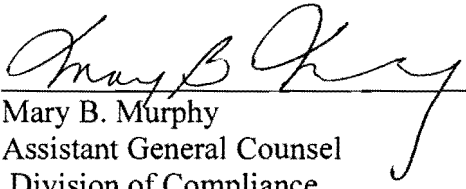
Wherefore, for the foregoing reasons, counsel respectfully requests that the Presiding Officer permit Complaint Counsel to attach the List and Summary of

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<sup>2</sup> See Supplemental Motion for Leave to File Amended Complaint, Attachment 2.

<sup>3</sup> The List and Summary of Documentary Evidence attached as Attachment 2 to the Supplemental Motion for Leave to File Amended Complaint does not contain the Certificate of Service that was included in the original List.

Documentary Evidence to the Amended Complaint which was attached to Complaint  
Counsel's Motion for Leave to File Amended Complaint.



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