

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

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<b>In the Matter of</b>	)	<b>CPSC Docket No: 12-1</b>
	)	<b>CPSC Docket No: 12-2</b>
	)	<b>CPSC Docket No: 13-2</b>
<b>MAXFIELD AND OBERTON</b>	)	
<b>HOLDINGS, LLC</b>	)	
<b>AND</b>	)	
<b>CRAIG ZUCKER, individually and as</b>	)	
<b>an officer of</b>	)	
<b>MAXFIELD AND OBERTON</b>	)	
<b>HOLDINGS, LLC</b>	)	
<b>AND</b>	)	<b>HON. DEAN C. METRY</b>
<b>ZEN MAGNETS, LLC</b>	)	
<b>AND</b>	)	
<b>STAR NETWORKS USA, LLC</b>	)	
	)	
	)	
<b>Respondents.</b>	)	
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**ORDER REGARDING JOINT MOTION TO AMEND DISCOVERY SCHEDULE  
AND FOR PROTECTIVE ORDER**

**Background**

On January 3, 2014, the parties in the above-captioned proceeding filed a Joint Motion to Amend Discovery Schedule and for Protective Order (Joint Motion). The Joint Motion requested additional time to complete discovery. The parties explained that, as a result of the October government shutdown and settlement negotiations, the discovery process had been interrupted.<sup>1</sup>

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<sup>1</sup> The Joint Motion explains, *inter alia*, “Complaint Counsel and counsel for Respondent Mr. Zucker agreed to an eight week stay of discovery while they engaged in settlement negotiations.” The Joint Motion further states “Complaint Counsel and counsel for the Respondents Zen Magnets, LLC and Star Networks USA, LLC, also had agreed to mutual extensions in the time allotted to respond to discovery.” Pursuant to 16 C.F.R. § 1025.1, the Presiding Officer has broad discretion as to procedural aspects of the matter being adjudicated. See 16 C.F.R. § 1025.2 (explaining the policy of the Commission for proceedings to be adjudicated “expeditiously and with due regard to the rights and interests of all persons affected...”). The instant matter has been pending for a considerable period of time and the parties have

The parties requested to extend the deadline for the exchange of discovery until ninety (90) days after the Trustee for the Liquidating Trust of Maxfield & Oberton produces documents requested by Complaint Counsel's forthcoming subpoena *duces tecum*. The parties further requested the deadline to move or amend the list of experts or to seek further discovery until fourteen (14) days after the parties have completed their exchange of discovery. Last, the parties sought an extension of the deadline to file motions to compel until twenty (20) days "after a party has produced documents in response to a Request for Production of Documents." See 16 C.F.R. § 1025.36.

The Joint Motion further explains that Complaint Counsel and Counsel for Mr. Zucker have responded to each party's requests for production of documents; however, all parties agree a protective order is necessary. As such, in accordance with 16 C.F.R. § 1025.31(d), the parties submitted a proposed joint Protective Order.

## **ORDER**

### **WHEREFORE,**

**IT IS HEREBY ORDERED THAT** the parties shall provide notice to the undersigned as to if/when Compliant Counsel receives documents pursuant to subpoena *duces tecum*. Thereafter, the undersigned will amend the discovery schedule.

**IT IS FURTHER ORDERED THAT** if said documents are not received and notice has not been filed with the undersigned by **Tuesday, February 18, 2014**, the parties shall file an update with the undersigned, explaining the status of discovery.

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yet to complete discovery. Any additional requests for extensions of time shall be filed well in advance of the deadline to provide the other party ample time to respond, and to provide the undersigned time to issue a ruling before the deadline has passed. See 16 C.F.R. § 1025.23(c). The parties shall not independently stay any portion of the proceeding absent a written order from the Presiding Officer.

**IT IS FURTHER ORDERED THAT** the proposed Protective Order is  
**ADOPTED IN FULL.** All parties shall sign a copy of Attachment A,  
“Acknowledgment and Agreement to be Bound by Protective Order”, and file the same  
with the Commission not later than **Wednesday, January 15, 2014.**

**SO ORDERED.**

Done and dated this 8th day of January, 2014, at  
Galveston, TX



**DEAN C. METRY**  
**Administrative Law Judge**