

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.)	

RESPONDENT CRAIG ZUCKER’S MOTION TO LIMIT ACCESS TO DOCUMENT PRODUCTIONS AND DISCOVERY

Respondent Craig Zucker (“Mr. Zucker”) files this motion to limit access to certain document productions and discovery, and in support thereof states:

1. On or September 20, 2012, Complaint Counsel filed a motion to consolidate CPSC Docket No. 12-1, in which Maxfield and Oberton Holdings LLC (“M&O”) was named respondent, and CPSC Docket No. 12-2, in which Zen Magnets, LLC (“Zen”) was named respondent
2. M&O did not object to the consolidation, but reserved its right to “move for severance of specific matters” Response of Maxfield & Oberton Holdings, LLC to Complaint Counsel’s Motion to Consolidate Proceedings, at 1.
3. Zen opposed the consolidation, arguing that the issues in the two proceedings were not similar, and that consolidation would run the risk of prejudice to Zen.
4. By Order dated October 30, 2012, the Honorable Parlen L. McKenna granted. Complaint Counsel’s motion to consolidate.

5. On or about December 17, 2012, Complaint Counsel filed a motion to consolidate the consolidated proceedings in CPSC Docket Nos. 12-1 and 12-2 with CPSC Docket No. 13-2, a newly initiated action in which Star Networks USA, LLC (“Star”) was named respondent.

6. Star opposed the consolidation, setting forth arguments similar to those of Zen in opposition to the previous consolidation.

7. By Order dated January 11, 2013, the Honorable Parlen L. McKenna granted. Complaint Counsel’s motion to consolidate.

8. Complaint Counsel has now served subpoenas on third-parties MOH Liquidating Trust (the “Trust”) and Jake Bronstein, seeking documents from the Trust and Mr. Bronstein relating to M&O and Mr. Zucker.

9. Documents produced by the Trust and Mr. Bronstein contain confidential business information of M&O, which was a competitor of Star and Zen. In addition, documents produced by the Trust and Mr. Bronstein may contain confidential personal information relating to Mr. Zucker, as do the discovery responses of Mr. Zucker.

10. The only reason Star and Zen would have access to these documents and discovery is due to the consolidation of these proceedings. If the proceedings had not been consolidated, Star and Zen would not be provided with copies of these documents or discovery.

11. Indeed, Star and Zen opposed the consolidation of these proceedings, arguing that the factual issues in the cases are not similar. Consequently, there is no reason for Star and Zen to have access to any documents produced by the Trust or Mr. Bronstein, or discovery responses of Mr. Zucker.

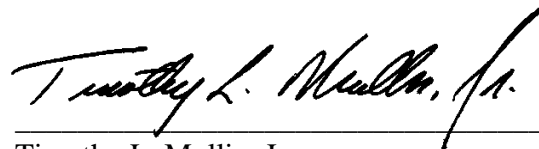
12. This Court has broad discretion to join proceedings “to such extent and upon such terms as may be proper.” 16 C.F.R. § 1025.19.

13. It is not in the interest of justice to disseminate confidential business information of one competitor, and confidential personal information of a former employee of a competitor, to other competitors (even if those documents are subject to a protective order). This is particularly true when Star and Zen opposed consolidation on the ground that the cases are not factually similar. Therefore, Star and Zen have no reason to receive copies of any of the documents or discovery provided by the Trust, Mr. Bronstein or Mr. Zucker.

WHEREFORE, Respondent Craig Zucker requests the entry of an order:

A. Limiting access to documents produced by the Trust and Mr. Bronstein, and discovery produced by Mr. Zucker, to the parties to CPSC Docket 12-1, and not the respondents to the other proceedings consolidated with CPSC Docket 12-1; and

B. Granting to Respondent Craig Zucker such other and further relief as justice and its cause require.



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Co-Counsel for Respondent, Craig Zucker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2014, copies of **Respondent Craig Zucker's Motion to Limit Access to Document Productions and Discovery and Proposed Order** 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:

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

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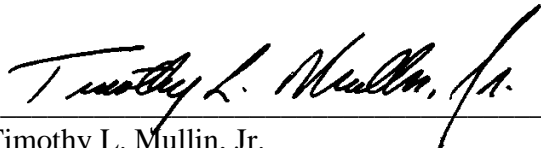
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