

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
ZEN MAGNETS, LLC,)	CPSC DOCKET NO. 12-2
)	
Respondent)	Hon. Dean C. Metry
)	Administrative Law Judge
)	
)	

**RESPONDENT ZEN MAGNETS’ RESPONSE TO COMPLAINT
COUNSEL’S MOTION TO EXCLUDE RESPONDENT’S PROPOSED EXPERTS,
DAVID A. RICHTER, Ph.D., AND BOYD EDWARDS, Ph.D.**

Respondent, through counsel, and in response to Complaint Counsel’s Motion to Exclude Respondent’s Proposed Expert Witnesses (hereafter “Motion to Exclude” or “MTE”), requests that this Honorable Court deny the Motion to Exclude. As grounds therefor, Respondent presents the following argument.

BACKGROUND

Complaint Counsel seeks to exclude Respondent Zen Magnets’ (“Zen’s”) experts David A. Richter, Ph.D., and Boyd Edwards, Ph.D., on the grounds that they do not possess the necessary knowledge, skill, experience, training, or education to assist this Court in understanding the evidence or determining a fact in issue. MTE, at 1. Doctors Richter and Edwards are eminently qualified to offer expert opinions regarding the function of Zen’s products, Zen Magnets and Neoballs (“Subject Products”), the general utility of Subject Products, and the potential and actual educational value of Subject Products. *See* Respondent Zen Magnets, LLC’s and Respondent Star Networks, LLC’s Identification of Expert Witnesses, served on November 14, 2013, attached hereto and incorporated herein as Exhibit A.

Contrary to Complaint Counsel’s conclusions that neither expert is qualified on account of

their perceived lack of experience regarding the educational utility of magnets, there is ample evidence that both Dr. Edwards and Dr. Richter are (1) extremely familiar with the function of Subject Products; (2) have extensive experience using Subject Products; (3) have advanced training in the fields of mathematics and physics; and (4) are qualified as teachers at the university level. Therefore, they are qualified to opine on the function, utility, and educational value of the Subject Products. These are relevant factors at issue because they are raised in the Second Amended Complaint. *See* Complaint Counsel’s Second Amended Complaint, ¶¶ 105, 106.

It appears from Complaint Counsel’s argument (MTE, pp. 3-5), that to be a qualified expert, one must meet specific, limited criteria in a field to be able to opine regarding that field. In essence, they argue that an expert’s experience must fill the narrowest niche possible in a given case. This is inconsistent with Rule 702, F.R.E. Although neither Dr. Richter nor Dr. Edwards is expert in “teaching the use of magnets in a classroom setting,” both are expert educators, experts in their respective academic fields, and both have used the magnets extensively. Education is not confined to the walls of a classroom. The subject products successfully promote educational concepts outside of the classroom which is what gives them educational utility. It is this opinion to which both Drs. can testify as it relates to their specific fields. These are specialized areas of knowledge permitting the expert testimony Respondent seeks to introduce pursuant to Rule 702, F.R.E.

As discussed below, the methods employed, the data used, and the knowledge and experience of Dr. Edwards and Dr. Richter allow them to be expert witnesses on behalf of Respondent. Their testimony is reliable, relevant, and helpful in consideration of multiple factors in addressing whether Subject Products are defective under 16 C.F.R. § 1115.4. As such, Complaint Counsel’s motion to exclude Zen’s experts should be denied.

DISCUSSION

I. Both Experts Have the Necessary Qualifications and Experience

Complaint Counsel correctly identifies both Dr. Richter and Dr. Edwards as magnet enthusiasts, but wholly discounts their experience and education in concluding that neither can offer facts or opinions from facts involving scientific or technical knowledge in the matter at hand. 16 C.F.R. § 1025.44; F.R.E. 702; *Daubert v. Merrell Dow Phrams.*, 509 U.S. 579, 592 (1993).

Dr. Richter is a mathematician and magnet enthusiast who has considerable experience using magnets and teaching advanced mathematics at the undergraduate and graduate levels. Dr. Richter Deposition, at 60. Dr. Edwards is also a magnet enthusiast who has considerable experience using magnets, and is well known for his tutorial contributions to the magnet sphere community. In addition, and more importantly, Dr. Edwards is a university administrator and dean, physicist, and an award-winning professional educator at both the graduate and undergraduate levels in the field of physics. See Dr. Edwards' *curriculum vitae*, available at <http://uintahbasin.usu.edu/files/EdwardsCV.pdf>, See also, MTE, Exhibit 7. The question is whether the experience, education, and training of Respondent's experts allows them to opine on a matter material to this proceeding in a reliable manner. Fed. R. Evid. 702; *Daubert*, 509 U.S. at 589-590.

A. Dr. Richter

Complaint Counsel significantly understates the qualifications of Dr. Richter to be an expert witness on Respondent's behalf. Complaint Counsel, for example, states that the "paucity of experience is evidenced by the candid admission of Dr. Richter . . . that [he does not] know the value of magnet spheres in collegiate mathematics education." MTE, at 8. This bold statement ignores

the fact that Dr. Richter has significant experience as an educator (Dr. Richter Deposition, at 77-78) and user of magnets (Dr. Richter's Report [Complaint Counsel's Ex. 3 to Aragon Declaration]). Therefore, his knowledge, training, and experience allow him to opine on the potential uses of SREMs in teaching mathematics at the university level.

Complaint Counsel also intimates that Dr. Richter has no experience using SREMs: ““When asked by his own counsel whether “the magnet spheres are better, worse, [or] the same as’ *other modeling tools*, Dr. Richter said ‘I don’t know, because I haven’t used them yet.’ ” Complaint Counsel’s Motion In Limine, at 8-9 (emphasis added). This excerpt is, however, patently misleading. The line of questioning pertained not to the use of SREMs, but to the alternative modeling tools, which Dr. Richter stated he had not used all of, yet, so could not make a fair comparison with the SREMs. Dr. Richter Deposition, at 79-80, Exhibit B, attached hereto and incorporated by reference.

The fact is that Dr. Richter has ample experience with both teaching mathematics and using SREMs,¹ and has been put forth in this proceeding as an expert to opine on the utility and educational value of SREMs. Dr. Richter is qualified to do so, and has done so. *See e.g.*, Dr. Richter Deposition, at 62 [Exhibit B](opining on the potential for using SREMs as research tools for “studying or developing ideas in discrete geometry”); *id.* at 51 (using SREMs to construct platonic solids); *id.* at 53-55 (discussing SREMs and three-dimensional geometry). Complaint Counsel’s argument, that because Dr. Richter has not yet employed SREMs in his formal lectures,

¹ *See generally*, Dr. Richter’s *curriculum vitae*; *see also* Dr. Richter Deposition, at 45 [Ex. B] (Complaint Counsel acknowledging Dr. Richter’s extensive career in academia); *id.* at 48 (Complaint Counsel noting that Dr. Richter has “quite a record of presentations and publications”).

but has used them to informally teach students (Dr. Richter Deposition, at 50-51 [Ex. B]), carries no weight. Dr. Richter’s mathematical, teaching, and experience with Subject Products more than adequately allow him to opine on the utility of Subject Products as a teaching professional. *See Deutsch v. Novartis Pharmaceuticals Corp.*, 768 F. Supp. 2d 420, 437 (E.D. N.Y. 2011) (“[u]nlike an ordinary witness . . . an expert is permitted wide latitude to offer opinions, including those that are not based on firsthand knowledge or observation”) (quoting *Daubert*, 509 U.S. at 592) (quotation marks omitted).

B. Dr. Edwards

Similarly, Dr. Edwards is preeminently qualified to be an expert witness as to the function, utility, and educational value of Subject Products. Dr. Boyd holds a doctorate in applied physics and is the dean and professor of physics at Utah State University Uintah Basin. Dr. Edwards Report, August 28, 2014, at 1; *see also* Dr. Edwards’ CV (Complaint Counsel’s Ex. 7). As Complaint Counsel has noted, Dr. Edwards is a magnet sphere expert, having made and posted many tutorial videos and photographs of his work with SREMs. MTE, at 4.

Complaint Counsel takes issue with Dr. Edwards’ expertise because he has not published any papers on the educational use of magnets, has never used magnets in a traditional classroom setting, and is not an expert on educational theory. While these facts are true, they have little to no bearing on the question of whether Dr. Edwards’ knowledge and experience can assist this Court in understanding the Subject Products, how they are used, and how they could be used in an educational setting. *Daubert*, 509 U.S. at 592; *Deutsch v. Novartis*, 768 F. Supp. 2d at 437. In fact, there is no better person to opine on the actual and potential utility for SREMs in the educational setting than someone who is interested in the subject product, who teaches, who is familiar with Subject Products, and can describe how Subject Products function because of their specialized

knowledge in the area of physics.

In addition to being an administrator and physics professor, Dr. Edwards has extensive knowledge of the Subject Products and how they function, not only because he has used them a great deal, but because of his background in physics and applied physics. *See* Dr. Edwards Report, at 1-4 (explaining his background and principles of magnetism demonstrated by Subject Products); Dr. Edwards' *curriculum vitae* (showing extensive experience in the field of magnetic field theory and conducting numerous research projects on magnets).

Complaint Counsel also takes issue with Dr. Edwards opining on the potential use for Subject Products in academia because Dr. Edwards is not an expert on "educational theory," marketing, medical issues, comparative risk, child development, warnings, magnet safety, public polling, or packaging. Complaint Counsel's Motion, at 5. Dr. Edwards has not, however, been put forth as an expert on any of those matters. *See* Respondent Zen Magnets, LLC's and Respondent Star Networks, LLC's Identification of Expert Witnesses. Both Dr. Richter and Dr. Edwards were identified as expert witnesses as to the educational utility and function of Subject Products. *Id.* Complaint Counsel's objections here are therefore without force or merit.

Dr. Richter and Dr. Edwards thus have more than sufficient professional, academic, and personal experience with Subject Products to opine on their utility and general function, which are both matters material to this proceeding. *See* Complaint Counsel's Second Amended Complaint, ¶ 105 (the Subject Products have low utility to consumers), *id.* at ¶ 106 (the Subject Products are not necessary to consumers); 16 C.F.R. § 1115.4. And, as is well settled with experts, whether the expert has extensive personal experience with a particular matter is not dispositive of whether they are qualified as an expert to opine on that matter. *Daubert*, 509 U.S. at 592; *Deutsch v. Novartis*, 768 F. Supp. 2d at 437.

II. The Requirements for Admissibility Under Fed. Rules Evid. 702 Have Been Met

The main thrust of Complaint Counsel’s objection to the potential testimony of Dr. Edwards and Dr. Richter is that neither has extensive personal experience teaching with magnets in the classroom, and therefore neither can potentially offer any relevant facts or opinions in the matter at hand. Complaint Counsel further argues that the methodology and principles employed by Dr. Richter and Dr. Edwards is not reliable enough to be admissible under Fed. R. Evid. 702. MTE, at 2, 9.

The Supreme Court has provided that “Federal Rule of Evidence 702 imposes a special obligation upon a trial judge to ‘ensure that any and all scientific testimony . . . is not only relevant, but reliable.’ ” *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147 (1999) (quoting *Daubert*, 509 U.S. at 589). It is important, as well, that Rule 702 is phrased broadly: “The fields of knowledge which may be drawn upon are not limited merely to the ‘scientific’ and ‘technical’ but extend to all ‘specialized’ knowledge” Fed. R. Evid. 702, *Advisory Committee Notes* (2000 Amendment). As established above, the testimony of Dr. Richter and Dr. Edwards is relevant to this case. And, as discussed forthwith, their testimony is also reliable.

In *Kumho*, the Supreme Court concluded that “a trial court *may* consider one or more of the more specific factors that *Daubert* mentioned when doing so will help determine that testimony’s reliability.” *Kumho*, 526 U.S. at 141 (emphasis by court). The Court also noted, however, that “the test of reliability is ‘flexible,’ and *Daubert*’s list of specific factors neither necessarily nor exclusively applies to all experts or in every case. Rather, the law grants a district court the same broad latitude when it decides *how* to determine reliability as it enjoys in respect to its ultimate reliability determination. *Id.* at 141-142 (citing *General Electric Co. v. Joiner*, 522 U.S. 136, 143

(1997).

The methods, principles, and facts employed by Respondent's proposed experts are more than reliable to permit Dr. Richter and Dr. Edwards to opine on the utility and function of Subject Products. Specifically, numerous science disciplines and principles were used to show how Subject Products could be used to demonstrate such principles. For example, Dr. Edwards explains how mathematics and physics enable Subject Products to function as manipulatives (*see* Dr. Edwards Report, at 3-5). In addition, Dr. Richter, an expert in mathematics, opines on the uses of Subject Products as a research tool in discrete geometry, which is a specialty subject of Dr. Richter. *See* Exhibit B, Dr. Richter Deposition, at 51, 62.

Dr. Richter's and Dr. Edwards' opinions are not speculative, as Complaint Counsel contends. MTE, at 2. As discussed above, both Dr. Richter and Dr. Edwards have considerable experience using Subject Products. They also have considerable experience teaching in the areas of math and physics at the advanced graduate levels. So, they both can form reliable opinions as to how Subject Products could be used to teach math and physics, in the same ways as a physician can make a prognosis based on the file of a patient she has never treated.

Complaint Counsel additionally objects that the opinions of Dr. Richter and Dr. Edwards are not "grounded in any scientific, technical or specialized knowledge." MTE, at 2. Such a claim is without merit, as both Dr. Richter and Dr. Edwards are uncontested experts in the fields of mathematics and physics, respectively. Dr. Edwards' Report is almost entirely based on the notion that Subject Products can be used in various fields of science and art as irreplaceable educational tools, identifying specific areas of art and science where Subject Products have been used or could be used in a highly effective manner, and has collected evidence of other instances where SREMs have been used for educational benefit. Likewise, Dr. Richter, when deposed, espoused the use of

Subject Products in specific areas, such as discrete geometry ([Ex. B] Dr. Richter Deposition, at 62); three-dimensional geometry (*id.* at 53-54); and platonic solids (*id.* at 51), to name a few.

There are perhaps no more reliable methods and principles than those used and taught by Dr. Richter and Dr. Edwards – math and science. And, there are certainly no better people than physicists and mathematicians to apply those principles and methods to the matter at hand in opining on the utility of Subject Products in the fields of math, science, chemistry, biology, and engineering. Certain types of testimony are more objectively verifiable, subject to the expectations of falsifiability, peer review, and publication than others. Regarding Subject Products, they were not commercially available prior to 2009, and are therefore relatively new products. The ability for one to distribute SREMs to classrooms, study their efficacy, publish a paper, and wait for peer review is limited. Dr. Richter and Dr. Edwards actively teach and use Subject Products and absent an ideal scientific study on the efficacy of using SREMs in collegiate classrooms, they have used their knowledge and experience as administrators, teachers, mathematicians, and physicists to opine on the value and utility of Subject Products.

The fact that this may be a novel area of testimony does not make it inadmissible or unreliable. *Harlan Land Co. v. United States Dept. of Agr.*, 186 F.Supp.2d 1076, 1093, n. 2 (E.D. Cal. 2001) (“Given the data-sparse situation for many pest risk analyses and the fact that decisions often cannot wait for new science to be developed, the value of expert judgment for qualifying key factors was emphasized.” (quotation marks omitted)).

That portion of Dr. Edwards’s opinion based on anecdotal evidence from the comments, letters and other sources cited in his report do not render his conclusions or methodology any less reliable. As Dr. Edwards explained in his deposition, he could think of no reason that his conclusions about the utility of SREMs in a classroom would be unreliable, as relying on anecdotal

evidence is a significant part of science. Dr. Edwards Deposition, at 203-204, Exhibit C, attached hereto and incorporated by reference.

Moreover, the opinions provided by Dr. Edwards are such that *some* reliance on anecdotal evidence would be proper, as Dr. Edwards is opining on the *value* of Subject Products by listening to his peers and the public at large. He is not, for example, stating a firm scientific conclusion on something such as causation, for which reliance on anecdotal evidence would be improper. *See e.g., Willert v. Ortho Pharm. Corp.*, 995 F. Supp. 979, 981 (D. Minn. 1998) (explaining why an expert might not be able to rely on anecdotal evidence when making a scientific causation conclusion). Dr. Edwards' Report also clearly shows that he is more than a mouthpiece for his peers: He has thoroughly detailed how and why which scientific principles have been or could be demonstrated using SREMs. *See generally*, Dr. Edwards Report.

Additionally, the fact that Dr. Edwards and Dr. Richter have expounded their thoughts on SREMs being educational art forms and tools of science and academia is not dispositive of whether their testimony should be admissible under Fed. R. Evid. 702, either. While courts have excluded experts when their opinions were developed only for the express and sole purpose of testifying, *Daubert v. Merrell Dow Pharm., Inc.*, 43 F.3d 1311, 1317 (9th Cir. 1995), where the opinions are also developed for and from independent matters, these factors are to be considered in demonstrating a witness' reliability for purposes of Fed. R. Evid. 702. Both Drs. Edwards and Richter provided information to the Commission during the independent Rule Making. This constitutes research apart from this litigation. *Id.*, at 1318.

Here, Respondent's proposed experts are not testifying on scientific principles that have been peer reviewed, but rather their specialized knowledge of not only how Subject Products work, but also the potential and actual scientific and artistic values of Subject Products. As noted above,

certain types of testimony are more objectively verifiable, subject to the expectations of falsifiability, peer review, and publication than others. And, as the Advisory Committee Notes make clear, Rule 702 is not “intended to suggest that experience alone – or *experience in conjunction with other knowledge, skill, training or education* – may not provide a sufficient foundation for expert testimony.” Fed. R. Evid. 702, *Advisory Committee Notes* (2000 Amendments).

The above sections establish that Dr. Richter and Dr. Edwards have the education to be experts in mathematics and physics, and their experience permits Respondent’s experts to be experts in both the use of Subject Products, as well as education. Although Complaint Counsel has attempted to narrow the definition of an adequate expert in this particular case to someone who has published peer reviewed papers on magnets and conducted exercises using magnets in a formal classroom setting, such a stricture ignores the broad language that allows someone with specialized knowledge and experience to *opine* on a matter on which they might not have a great deal first-hand experience. *Daubert*, 509 U.S. at 592; *Deutsch v. Novartis*, 768 F. Supp. 2d at 437; Fed. R. Evid. 702. The experience and specialized knowledge that Respondent’s experts do have, as well as the principles used and facts gathered by Dr. Edwards and Dr. Richter, make their expert testimony reliable, relevant, and admissible under Fed. R. Evid. 702.

III. Dr. Edwards’ Alleged Bias Does Not Make Him Ineligible as an Expert Witness

Complaint Counsel claims that Dr. Edwards should not be admitted as an expert witness for Respondent because he has evidenced a bias in this case by his selection of sources. Such an argument must fail because, even if, *arguendo*, Dr. Edwards is biased, that would not mean that he should be prevented from testifying as an expert in this case.

“[I]t is well-settled that ‘[a]n expert witness’s bias goes to the weight, not the admissibility of the testimony, and should be brought out on cross-examination.’ ” *United States v. Kelley*, 6 F.

Supp. 2d 1168, 1183 (D. Kan. 1998) (quoting 4 *Weinstein's Federal Evidence* § 702.06[8], at 702-45 (1997)); see also *Weinstein's Federal Evidence* § 601.03[2][a], at 601-13 (2000) (stating that the “clear trend of authority” is for the jury to hear testimony and “evaluate facts bearing on the witness’ deficiencies”).

Therefore, the mere accusation that Dr. Edwards is biased is not sufficient to disqualify him as an expert. “Determining the credibility of a witness is the jury’s province, whether the witness is lay or expert.” *DiCarlo v. Keller Ladders, Inc.*, 211 F.3d 465, 468 (8th Cir. 2000).

The same legal reasoning applied to Dr. Richter, as well, whom Complaint Counsel seems to admonish for being paid to make statements to the court. Complaint Counsel’s Motion, at 11. It is general knowledge that experts are routinely compensated for their time in providing expert opinions in legal matters; and that those opinions are helpful to one side over the other should have no bearing on whether that person is qualified as an expert. Moreover, the fact that Dr. Richter might have received magnets in exchange for his essays does not necessarily indicate the views he expressed were not genuine and based on his knowledge, experience, and training – which, in this case they were, and Complaint Counsel has produced no evidence to the contrary.

IV. The Opinions of Dr. Richter and Dr. Edwards Will Assist the Court

At issue in the matter at hand is whether Subject Products should be removed from the market because they are defective and present a substantial product hazard under 15 U.S.C. § 2064. Part of the Commission’s analysis requires assessing a number of factors under 16 C.F.R. § 1115.4 for determining if a product is in fact defective. As part of this analysis, the Commission addresses the utility of the product and the necessity of the product. *Id.* Complaint Counsel has alleged that Subject Products are have low utility to consumers (Second Amended Complaint ¶ 105), and that Subject Products are not necessary to consumers (*id.* at ¶ 106). Respondent’s experts have

specifically been put forth to opine on these two allegations.

Complaint Counsel has equated the utility of Subject Products to “hula hoops, Slinkys and Pet Rocks.” Complaint Counsel’s Motion for Summary Decision, at 32. Because the utility of Subject Products has been placed in question, experts in their respective fields who have used Subject Products can be uniquely helpful in highlighting how Subject Products can and have been used by professionals and academics.

Additionally, Respondent’s experts can shed light on what alternative products might be available to accomplish the same things as Subject Products, which speaks to the necessity of Subject Products. Complaint Counsel again equated the necessity of Subject Products to the same children’s toys, dismissing out of hand the opinions of experts and academics to the contrary. *See id.* at 33-34. The questions of utility and necessity are therefore ripe for expert testimony to explain how Subject Products work and can be used as more than simple toys for amusement.

V. Respondent Requests a *Daubert* Hearing

If this Court finds that Complaint Counsel’s Motion to Exclude Dr. Richter and Dr. Edwards is compelling, Respondent requests a *Daubert* hearing on the admissibility of proposed testimony from Dr. Richter and Dr. Edwards. Courts have “long stressed the importance of in limine hearings under Rule 104(a) in making the reliability determination required under Rule 702 and *Daubert*.” *Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3rd Cir. 1999) (citing *United States v. Downing*, 753 F.2d 1224, 1241 (3rd Cir. 1985) (“It would appear that the most efficient procedure that the district court can use in making the reliability determination is an in limine hearing”).

At this stage in the proceedings, excluding Respondent’s experts would be improper without first holding a hearing on the matter. While the question to hold such a hearing lies in the discretion of this Court, the “failure to hold an in limine hearing, especially in the context of summary

judgment, may be an abuse of discretion when the ruling on admissibility turns on factual issues.”
Colon ex rel. Monlina v. Bic USA, Inc., 199 F. Supp. 2d 53 (S.D. N.Y. 2001).

In the present case, Complaint Counsel contests the admissibility of Dr. Richter and Dr. Edwards by questioning the reliability of their methods, their expertise, and their experience. While Respondent denies that Complaint Counsel’s objections to Dr. Richter and Dr. Edwards have legal merit, if this Court finds that they do, Respondent requests a pre-trial hearing on the matter to ensure that this Court has the opportunity to decide for itself whether the opinions of Dr. Richter and Dr. Edwards are relevant, reliable, helpful, and otherwise admissible in the case at hand.

CONCLUSION

The educational utility of the Subject Products is only a portion of their value. Arts and sciences are significant areas of knowledge, and the Subject Products represent a unique medium of art, which by their very nature, teach principles of physical science and mathematics through their use. The utility of art is naturally subjective, and the utility of Subject Products as an art form can best be shown by evidence of appraisals of utility. Here, Respondent will present testimony from Dr. Edwards and Dr. Richter that will assist the Court in appraising the utility of the Subject Products. WHEREFORE, Respondent requests that Complaint Counsel’s Motion to Exclude Drs. Edwards and Richter be denied.

DATED THIS 31st day of October, 2014

Respectfully submitted,

THE LAW OFFICES OF DAVID C. JAPHA, P.C.
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Attorney for Respondent Zen Magnets

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of October, 2014, I served copies of **THE RESPONDENT'S RESPONSE TO COMPLAINT COUNSEL'S MOTION TO STRIKE RESPONDENT'S PROPOSED EXPERTS** 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:

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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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