

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	CPSC Docket No: 12-1
)	CPSC Docket No: 12-2
)	CPSC Docket No: 13-2
MAXFIELD AND OBERTON)	
HOLDINGS, LLC)	
AND)	
CRAIG ZUCKER, individually and as)	
an officer of)	
MAXFIELD AND OBERTON)	
HOLDINGS, LLC)	
AND)	HON. DEAN C. METRY
ZEN MAGNETS, LLC)	
AND)	
STAR NETWORKS USA, LLC)	
)	
)	
Respondents.)	
)	

ORDER DENYING CROSS-MOTION FOR PROTECTIVE ORDER
AND
ORDER DENYING RESPONDENT CRAIG ZUCKER'S MOTION FOR LEAVE
TO FILE REPLY TO COMPLAINT COUNSEL'S MOTION TO COMPEL

a. Order Denying Cross-Motion for Protective Order

On April 18, 2014, Respondent Craig Zucker filed a Response to Complaint Counsel's Motion to Compel Discovery (Response). With this Response, Mr. Zucker also filed a Cross-Motion for Protective Order. In the Response and Cross-Motion, Mr. Zucker explained Complaint Counsel sought discovery of Maxfield & Oberton's financial records from Mr. Zucker. Mr. Zucker noted Complaint Counsel had already requested and received this same information from the Maxfield & Oberton (MOH) Liquidating Trust.

On April 24, 2014, the undersigned issued an Order Denying CPSC's Motion to Compel, noting Complaint Counsel had made the same discovery request with the MOH Liquidating Trust. The undersigned further noted that, in an April 7, 2014 status report, CPSC indicated it had received 700,000 pages of responsive documents from the MOH Liquidating Trust. The undersigned further noted that the parties had been engaged in discovery for an extensive period of time, and the matter must proceed to hearing. See 16 C.F.R. § 1025.31(g).

Subsequently, on April 25, 2014, Complaint Counsel filed an Opposition to Respondent Craig Zucker's Cross-Motion for Protective Order (Opposition). In the Opposition, Complaint Counsel again requested the company financial information from Mr. Zucker, suggesting Mr. Zucker bears the burden of showing production of such documents would be burdensome or otherwise not relevant. However, because the undersigned ruled on this issue in the April 24, 2014 Order Denying CPSC's Motion to Compel, Mr. Zucker's Cross-Motion and CPSC's Opposition is moot.

b. Order Denying Mr. Zucker's Motion for Leave to File Reply to Complaint Counsel's Response to Motion to Compel

On April 25, 2014, Mr. Zucker filed a Motion for Leave to File Reply to Complaint Counsel's Response to Motion to Compel (Motion for Leave). In the Motion for Leave, Mr. Zucker noted that Complaint Counsel's April 18, 2014 filing raised "important issues for the first time in the opposition."¹ Accordingly, Mr. Zucker requested until May 2, 2014 to file a reply and address these new issues.

As stated, the instant matter has been in the discovery process for a considerable amount of time. An additional reply is not warranted. See 16 C.F.R. § 1025.23. The

¹ The April 18, 2014 filing was in response to Mr. Zucker's March 31, 2014 Motions to Compel Discovery.

undersigned has already received the arguments of both sides on the issue. The undersigned will issue a ruling based on the motion and response, and the matter will proceed. See 16 C.F.R. § 1025.31(g).

WHEREFORE,

IT IS HEREBY ORDERED THAT the Cross-Motion for a Protective Order is **DENIED.**

IT IS FURTHER ORDERED THAT Respondent Craig Zucker's Motion for Leave to File Reply to Complaint Counsel's Response to Motion to Compel is **DENIED.**

SO ORDERED.

Done and dated this 28th day of April, 2014, at
Galveston, TX



DEAN C. METRY
Administrative Law Judge