

EXHIBIT 1

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BEFORE THE UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of: :
ZEN MAGNETS, LLC : CPSC Docket No. 12-2
STAR NETWORKS USA, LLC : CPSC Docket No. 13-2
Respondents. :
- - - - - x

DEPOSITION OF DAVID A. RICHTER

Bethesda, Maryland
Thursday, July 24, 2014

REPORTED BY:
SARA A. WICK, RPR, CRR

1 sale of Buckyballs. And I learned this in the news
2 somewhere.

3 And then I was -- I researched, somehow I
4 learned about Zen Magnets holding this essay
5 contest. And I wrote this essay, basically a letter
6 to the Commissioners. That's how I became
7 acquainted with Zen Magnets, by basically writing
8 this essay, which --

9 Q And the essay you're referring to is
10 Exhibit 6?

11 A Is Exhibit 6, that's right.

12 Q And I want to summarize just for clarity.
13 That essay that is Exhibit 6, the 9 August, 2012,
14 letter is something that you wrote in an essay
15 contest that Zen Magnets sponsored?

16 A That's right.

17 Q If I'm correct as well, you actually won a
18 prize for writing Exhibit 6?

19 A That's true.

20 Q And what did you win?

21 A I won a Mandala set.

22 Q And that is the multiple -- the set of

1 like 1,700-plus magnets?

2 A It's 12 cubed, right, 1,728.

3 Q And that was sort of a reward for having
4 written this; is that right?

5 A As far as I know, that was the -- that was
6 the grand prize.

7 Q Had you heard of Zen Magnets before you
8 entered that contest?

9 A I don't remember. I think I had, because
10 I had bought -- I bought Buckyballs in like winter
11 of 2012, like in February or March of 2012. And I
12 think before that I had been sort of shopping for
13 them because I knew that they existed. I had seen
14 them in museum gift shops, and I knew I had to get
15 some. I wanted to get some. So I did a little
16 research on the Internet, basically looking at what
17 people said about, you know, the difference between
18 the different brands of magnets.

19 Q And I just want to ask for clarity -- by
20 the way, if you want, I can have the reporter read
21 back your answer. But when you said "they," is it
22 correct that you were referring to Zen Magnets as

1 sets of magnets?

2 A I do. I bought -- in summer of 2012 when
3 I thought they were going to become scarce, I bought
4 a few sets of Zen Magnets.

5 Q And do you recall what sets you bought?

6 A Yeah. I bought some of the regular sized
7 Zen -- I don't know what the name of them are
8 called, but I think they're called Zen, the one that
9 have 216 magnets. I bought seven of those. And I
10 won -- sorry. By entering the contest, you were
11 awarded a set of Zen Magnets.

12 Q Uh-huh.

13 A So anybody who entered got a set.

14 Q Okay. But you got the super-duper set?

15 A I won the super-duper set, Mandala set.

16 Q So is it correct that you got a regular
17 set for entering and a Mandala set for winning?

18 A Right.

19 Q Okay. And so I guess I'm just trying to
20 add -- and you're the math professor, so you've got
21 to correct my addition -- one set of Buckyballs in
22 2012, seven sets of Zen Magnets in the summer of

1 2012?

2 A No. I purchased seven, and I was awarded
3 one Zen just for entering the contest.

4 Q And I said that wrong, because I think in
5 sum total you have nine sets of Zen Magnets; is that
6 right?

7 A That's right.

8 Q Eight magnets of 216 per set -- excuse me.
9 Eight sets of 216 per set and one set, the Mandala
10 set, with 1,728 magnets?

11 A That's right.

12 Q And all of those sets came with spares, to
13 your knowledge?

14 A Yes.

15 Q What have you used the magnets for? How
16 have you used them?

17 A I have used them mainly for making
18 geometrical models in my office.

19 Q Now, just to make sure, we talked about
20 your nine Zen sets and your one Buckyball set. Is
21 that all the magnets you've ever bought?

22 A Surely not. I mean, I've owned -- buying

1 LLC's and Respondent Star Networks, LLC's
2 Identification of Expert Witnesses."

3 Do you see that?

4 A Yes.

5 Q Look at it all you like, Dr. Richter, but
6 I'm going to refer you to the second and third full
7 paragraphs on page 2. Tell me when you've had a
8 chance to look at it.

9 A Pardon?

10 Q Please take whatever time you wish to look
11 at the document. I'm going to refer you to the
12 second and the third full paragraphs on page 2 of
13 Exhibit 2. Please let me know when you've had a
14 chance to look at the exhibit.

15 A I've read it.

16 Q Have you seen this document before?

17 A I don't know. I don't recall.

18 Q I'm going to refer you to the second full
19 paragraph on page 2, which states your name and
20 address and then says "Dr. Richter is expected to
21 testify about the utility of earth magnets."

22 Do you see that?

1 A Yes, I do.

2 Q And I want to ask if that is the opinion
3 that you are here today to express.

4 A It is.

5 Q And I'm going to refer to the next
6 paragraph. "Professor Richter has prepared a
7 statement for the CPSC as part of its rule-making
8 procedures and that statement is served herewith and
9 incorporated herein as Respondent Expert ID Exhibit
10 C."

11 Do you see that?

12 A Yes, I do.

13 Q Okay. And I guess I'm going to ask you
14 now to look at what's been marked as Exhibit 6, the
15 9 August, 2012, letter that we've been calling your
16 essay. Is that the document that's being referred
17 to?

18 A Yes.

19 Q It says here in the paragraph I've just
20 quoted that you had "prepared a statement for the
21 CPSC as part of its rule-making procedures."

22 Do you see that?

1 which is typical, when you're tenured, you're also
2 promoted. Some universities still make a
3 distinction between being tenured and promoted. So
4 generally, an assistant professor is someone who is
5 not tenured, but the job is essentially the same.

6 Q But what this indicates is that you've not
7 only been promoted but you've also been granted
8 tenure?

9 A Yes.

10 Q Congratulations.

11 A Thank you.

12 Q I'm going to go through a couple things,
13 if that's okay. You list a number of grant
14 proposals on which you have worked or are working
15 now. And if I have it -- I guess I will just ask
16 this question.

17 Do any of those involve either physical
18 modeling or modeling with high-powered, rare-earth
19 magnets?

20 A No.

21 Q I'm going to move now to talk about
22 publications and presentations together, because you

1 section, "Presentations," there seem to be quite a
2 few that involve physical modeling; is that correct?

3 A That's correct.

4 Q And under the "Presentations," do any of
5 these modelings involve the use of high-powered,
6 spherical, rare-earth magnets?

7 A No.

8 Q And in the two citations under "Other
9 Publications" on page 2 where you mention Zome
10 modeling, am I correct that those also did not
11 involve the use of spherical, high-powered,
12 rare-earth magnets?

13 A Yes.

14 Q And we talked -- under
15 the "Presentations," it's such a significant list.
16 I will just ask a couple general questions, if
17 that's okay. I think that I can look through these
18 and see that some of the modeling involves Zome
19 products, some involve paper, some involve straws.

20 And can I ask, what other media might be
21 represented -- what other modeling media might be
22 represented under your "Presentations" as listed on

1 pages 2 through 5 of your resume?

2 A Well, there's the Miracle Octad Generator.
3 That's paper and pencil; it's like a little pencil
4 and paper game. I think Zome and paper is a pretty
5 good description and, occasionally, balls and
6 straws, you know, wooden balls and straws.

7 Q So would it be correct to say that in your
8 academic and teaching career, those media that you
9 just identified have been the predominant ones that
10 you've used for teaching?

11 A Yes.

12 Q Has any of your research specifically
13 involved magnets or the physical properties of
14 magnets?

15 A No.

16 Q And is it correct to say that your
17 teaching to date has not involved magnets or the
18 physical properties of magnets?

19 A Well, you're using a word, "teaching." I
20 haven't used it formally in the classroom but,
21 certainly, in several informal discussions with
22 students once in a while.

1 Q Okay. Can you give me any detail about
2 those several formal discussions with students once
3 in a while?

4 A Well, more often than not, it's like, what
5 an awesome thing, you can make the platonic solids
6 very quickly using these magnet balls.

7 Q Okay. But as stated in Exhibit 5, which
8 is your report, that's -- you've never used them in
9 the classroom before?

10 A That's right.

11 Q I'm going to ask a question, because most
12 of us don't understand mathematics the way you do.
13 Could you explain to me the fields of mathematics in
14 which you're primarily interested?

15 A These days, it's discrete geometry, which
16 is basically a modern incarnation of classical
17 Euclidean geometry.

18 I've also done research in mathematical
19 physics, which is mostly involving -- mostly
20 involves the study of differential equations that
21 occur in physics. Differential equations is a very
22 complicated subject. If a physicist or chemist

1 generally, you know -- every author has his own name
2 for them. Wikipedia calls them the mutetrahedron
3 and the muoctahedron, and I don't know who authored
4 that.

5 Q Do you consider yourself to be an expert
6 on warnings?

7 A No.

8 Q We talked about some of the things that
9 you've done to prepare for your deposition here
10 today. I just want to ask, did we cover everything?
11 Did I miss anything?

12 A You're the one that's asking questions.

13 Q And you're the one that's giving answers.
14 So I want to ask, have your answers to my questions
15 completely exhausted the subject of your preparation
16 for this deposition?

17 A For this deposition, yes.

18 Q Have you ever taught at the high school
19 level?

20 A Again, when you say "taught," I've never
21 been paid to teach, but I have engaged in -- I've
22 been invited to give -- I've done a Zome project

1 with high school students. I've done origami
2 lessons with junior high students. I've done, you
3 know, sort of show and tell about college, involves
4 higher geometry models and stuff like that.

5 Q Has there ever been a time in your career
6 where your primary teaching responsibilities
7 involved high school students?

8 A No.

9 Q Is the same true for junior high and
10 elementary school students?

11 A Right.

12 Q Would it be correct to say that,
13 throughout your career, you've focused on teaching
14 at the college and graduate level? Is that
15 accurate?

16 A That's accurate.

17 Q And you're not really an expert on child
18 development?

19 A No, I'm not.

20 MR. JAPHA: Asked and answered.

21 BY MR. ARAGON:

22 Q Or teaching theories?

1 it to something like clay, because it is workable
2 like clay, but it's not quite the same as clay
3 because it's granular. It's physically -- I mean,
4 it's visibly granular.

5 So this is one of the reasons why you can
6 make these shapes with very discrete, particular
7 locations, for example, the 60-ball
8 rhombicosidodecahedron.

9 Q What I want to ask, then, is, as a tool
10 compared to these other materials, are the magnet
11 spheres better, worse, the same as?

12 A Well, I don't know, because I haven't used
13 them yet.

14 Q Okay.

15 A I know that paper -- like when I use paper
16 to instruct students on making polyhedral shapes,
17 it's sort of cumbersome, because using paper
18 involves a lot of cutting and scoring and gluing,
19 and that's time-consuming.

20 So an advantage that I see of using magnet
21 spheres, at least for a small desk, is that you can
22 put together some nice shapes pretty quickly after