

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the matter of)
)

MAXFIELD AND OBERTON HOLDINGS, LLC)

ZEN MAGNETS, LLC)

STAR NETWORKS USA, LLC)

Respondents.)
)

CPSC DOCKET 12-1

CPSC DOCKET 12-2

CPSC DOCKET 13-2

(Consolidated)

**MOTION FOR DETERMINATION THAT THE ORDER ADDING CRAIG ZUCKER AS
A RESPONDENT CAN BE IMMEDIATELY APPEALED**

Craig Zucker hereby moves for a determination that the May 3, 2013 Order granting Complaint Counsel's motion for leave to file an amended Complaint in Docket Number 12-1 in order to add Craig Zucker as a respondent "involves a controlling question of law or policy as to which there is substantial ground for differences of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation." 16 C.F.R. § 1025.24(b)(4)(i).

As set forth in the accompanying memorandum in support of this motion, the question whether, under Section 15 of the Consumer Product Safety Act, an individual officer or director of a corporation that manufactured consumer products may be held individually liable and therefore personally responsible for carrying out a recall order involving products sold by the corporation that manufactured or imported the subject products is a controlling, novel, and highly disputable question of law as to which there are substantial grounds for differences of opinion. Furthermore, the resolution of those questions in favor of Mr. Zucker's position

through an immediate appeal of the Order granting Complaint Counsel's motion to amend the complaint in Docket No. 12-1 would materially advance the ultimate termination of the litigation, at least as to Mr. Zucker.

This motion is supported by the accompanying memorandum. Pursuant to the Commission's regulations, a proposed order is attached.

Respectfully submitted,

Dated: May 16, 2013

BY: John R. Fleder / *AKS*

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