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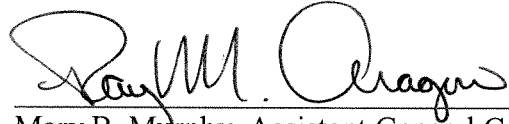
UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	CPSC Docket No. 12-1
In the Matter of)	CPSC Docket No. 12-2
)	CPSC Docket No. 13-2
MAXFIELD AND OBERTON)	
HOLDINGS, LLC)	Hon. Dean C. Metry
and)	Administrative Law Judge
CRAIG ZUCKER, individually and as)	
officer of MAXFIELD AND OBERTON)	
HOLDINGS, LLC)	
and)	
ZEN MAGNETS, LLC)	
STAR NETWORKS USA, LLC)	
)	
Respondents.)	
_____)	

**COMPLAINT COUNSEL’S APPLICATION FOR THE ISSUANCE
OF A SUBPOENA ON A NON-PARTY: CAROL POLLACK-NELSON, Ph.D.**

Pursuant to 16 C.F.R. § 1025.38, which requires the issuance of a subpoena to any non-party for the purpose of compelling attendance, testimony, and production of documents at a hearing or deposition, Complaint Counsel respectfully requests that the Presiding Officer forward, and that the Commission issue, the attached subpoena. The named party in the subpoena, Carol Pollack-Nelson, Ph.D., was a human factors consultant for Maxfield and Oberton Holdings, LLC during the time it developed and evaluated packaging, warnings, and labels for the Subject Products. As such, she is believed to have relevant information regarding the design and development of the Subject Products, and the creation, design and implementation of the packaging, labels, and warnings for the Subject Products. Accordingly, Complaint Counsel respectfully requests that the Presiding Officer forward this application to the Commission for appropriate action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ray M. Aragon". The signature is written in a cursive style with a large initial "R" and "A".

Mary B. Murphy, Assistant General Counsel
Jennifer C. Argabright, Trial Attorney
Daniel Vice, Trial Attorney
Ray M. Aragon, Special Counsel

Complaint Counsel for
U.S. Consumer Product Safety Commission
Bethesda, MD 20814
(301) 504-7809

Dated: April 25, 2014

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TO: Carol Pollack-Nelson
13713 Valley Drive
Rockville, MD 20850-5402

SUBPOENA

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I. GENERAL INSTRUCTIONS

A. The Commission's rules for adjudications govern this Subpoena. 16 C.F.R. part 1025. Title 165 of the Code of Federal Regulations, Section 1025.38 sets forth procedures for motions to quash or modify the terms of this Subpoena.

B. This Subpoena shall be answered by you.

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D. Each document production request seeks production of all documents described herein, and any attachments thereto, in your possession, custody, or control, or in the possession, custody, or control of any of your attorneys, employees, agents, or representatives, and all documents and any attachments that you or any of your attorneys, employees, agents, or representatives have the legal right to obtain, or have the ability to obtain from sources under your or their control.

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1. For any document withheld, specify the privilege claimed and the factual basis you contend supports the assertion of the privilege, and identify the document as follows: (a) state the date, nature, and subject matter of the document; (b) identify each author of the document; (c) identify each preparer of the document; (d) identify each person who is an addressee or an intended recipient of the document; (e) identify each person from whom the document was received; (f) state the present location of the document and all copies thereof; (g) identify each person who has, or ever had, possession, custody, or control of the document or any copy thereof; (h) state the number of pages, attachments, appendices, and exhibits; and (i) provide all further information concerning the document and the circumstances upon which the claim of privilege is asserted.

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predecessor entity, as well as all past and present officers, directors, representatives, agents, and employees of Maxfield and Oberton Holdings, LLC.

2. “Person” means any natural person, entity, group, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, officer, or other business or legal entity, whether private or governmental, and whether foreign or domestic.

3. “Subject Products” means Buckyballs® and Buckycubes.™

4. “Documents” mean the original and any nonidentical copy of any written, printed, reproduced, graphic, photographic, electronic, audio, visual, or computer records, however produced or reproduced, of any kind or description, whether prepared by you or by any other person, that is in your possession, custody, or control, including, but not limited to, the following: electronic mail; electronically stored information; papers; notes; books; letters; telecopies; facsimiles; photographs; motion pictures; videotapes; video disks; audio recordings; drawings; schematics; manuals; blueprints; intra- and interoffice communications; transcripts; minutes; reports; audio recordings; affidavits; statements; pleadings; summaries; indices; analyses; evaluations; agreements; calendars; appointment books; diaries; telephone logs; tabulations; charts; graphs; data sheets; computer tapes, disks, cards, printouts, and programs; microfilm; microfiche; social media communications, including, but not limited to, information posted on or transmitted through social networking platforms (*e.g.*, MySpace and Facebook), digital file-sharing services (*e.g.*, Flickr), blogs and microblogs (*e.g.*, Twitter); instant messages, customer reviews and/or comments posted on the M&O’s website(s) relating to the Subject Products; all accounts, entries, ledgers, budgets or other information found in Quickbook

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- 5) Any and all documents reflecting communications with M&O, Marsh USA Inc. or any agent of M&O related to the Subject Products;
- 6) Any and all documents relating to M&O's efforts to comply with European Union or U.S. consumer product safety regulations relating to the Subject Products; and
- 7) Any and all documents relating to communications between you and any other person, entity or organization relating to the Subject Products, including but not limited to any risks presented by the Subject Products.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of
the U.S. Consumer Product Safety Commission,
has hereto set his hand and caused the seal
of the Commission to be affixed at
Bethesda, MD, this _____ day of
_____, 2014.

Todd A. Stevenson
Secretary
U.S. Consumer Product Safety Commission

DUPLICATE

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III. Subpoena Ad Testificandum and Duces Tecum

You are ordered to appear at the Commission’s headquarters at 4330 East West Highway, Bethesda, MD 20814 to testify regarding the matters referred to above twenty (20) days after issuance of subpoena, or a date mutually agreeable to the parties, and continuing thereafter until your testimony is concluded.

You are also directed to produce at the Commission’s headquarters at 4330 East West Highway, Bethesda, MD 20814 within ten (10) days of issuance of the subpoena

and prior to testifying at the deposition above, copies of all records in your possession, custody, or control relating to:

- 1) Any and all documents relating to M&O's design and/or development of the Subject Products, including all "human factors" analyses of the use, potential misuse and risks of the Subject Products, and the potential for warnings to reduce or limit such risks;
- 2) Any and all documents relating to the design and packaging of the Subject Products, including labels and warnings;
- 3) Any and all documents relating to the development, operation and evaluation of any programs, including but not limited to M&O's Responsible Sellers Agreement, designed to limit children's access to the Subject Products;
- 4) Any and all documents relating to the development of warnings for the Subject Products, including but not limited to any and all evaluations of the efficacy or ineffectiveness of warnings for the Subject Products;
- 5) Any and all documents reflecting communications with M&O, Marsh USA Inc. or any agent of M&O related to the Subject Products;
- 6) Any and all documents relating to M&O's efforts to comply with European Union or U.S. consumer product safety regulations relating to the Subject Products; and
- 7) Any and all documents relating to communications between you and any other person, entity or organization relating to the Subject Products, including but not limited to any risks presented by the Subject Products.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of
the U.S. Consumer Product Safety Commission,
has hereto set his hand and caused the seal
of the Commission to be affixed at
Bethesda, MD, this _____ day of
_____, 2014.

Todd A. Stevenson
Secretary
U.S. Consumer Product Safety Commission

CERTIFICATE OF SERVICE

I hereby certify that I have provided on this date, April 25, 2014, Complaint Counsel's Application for the Issuance of a Subpoena on a Non-Party: Carol Pollack-Nelson, Ph.D. upon the Secretary, the Presiding Officer, and all parties and participants of record, and all parties and participants of record in these proceedings in the following manner:

Original and two copies by hand delivery to the Secretary of the U.S. Consumer Product Safety Commission: Todd A. Stevenson.

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 USA, LLC*, CPSC Docket No. 13-2:

The Honorable Dean C. Metry
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U.S. Courthouse
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Galveston, TX 77550
Janice.M.Emig@uscg.mil

One copy by electronic mail to counsel for Craig Zucker:

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One copy by electronic mail to the Trustee for MOH Liquidating Trust:


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Julie Beth Teicher, Trustee
MOH Liquidating Trust
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jteicher@ermanteicher.com

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

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Complaint Counsel