

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

**COMPLAINT COUNSEL’S LIST OF EXHIBITS IN SUPPORT OF
MOTION FOR SUMMARY DECISION**

REDACTED

NUMBER

EXHIBIT

- | | |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Respondent Zen Magnet, LLC’s Answer to Second Amended Complaint |
| 2 | Respondent Zen Magnet LLC’s Responses to Complaint Counsel’s First Set of Interrogatories |
| 3 | Respondent Zen Magnet LLC’s Responses to Complaint Counsel’s First Set of Requests for Admissions |
| 4 | Excerpts from Deposition Testimony of Shihan Qu (dated July 8, 2014, July 15, 2014, July 16, 2014) |
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| 4A | June 13, 2010 email to Zen Magnets, titled “WOW,” and Zen President Shihan Qu’s June 15, 2010 response, Exhibit 40 to Deposition of Shihan Qu |
| 4B | February 17, 2010 email to Zen Magnets, titled “health question,” and Zen President Shihan Qu’s February 17, 2010 response, Exhibit 34 to Deposition of Shihan Qu |
| 4C | Screenshot from the Neoballs website, <i>available at</i> : http:// neoballs.com/# , which was entered as Exhibit 7 to the Deposition of Shihan Qu in this action (dated July 3, 2014) |
| 5 | Declaration of Complaint Counsel’s Expert J. Paul Frantz, Ph.D., CPSM, CPE (dated September 24, 2014) |
| 5A | Curriculum Vitae of J. Paul Frantz, Ph.D., Exhibit A to Declaration of J. Paul Frantz |

- 5B Expert Report of J. Paul Frantz, Ph.D., CPSM, CPE (dated July 16, 2014), Exhibit B to Declaration of J. Paul Frantz
- 6 Excerpts from the Sales Records of Zen Magnets
- 7 Declaration of Complaint Counsel Expert Vincent Amodeo (dated September 23, 2014)
- 8 ASTM F963-11, Standard Consumer Safety Specification for Toy Safety (2011)
- 9 Letter from Shihan Qu to “CPSC” titled “Re: Your Letter Requesting Us to Shut Down” (dated August 2, 2012)
- 10 Excerpts from Deposition Testimony of Complaint Counsel Expert J. Paul Frantz, Ph.D. (dated July 17, 2014)
- 11 Excerpts from Deposition Testimony of Respondent’s proposed expert Boyd Edwards, Ph.D. (dated July 22, 2014)
- 12 Declaration of Jennifer Argabright authenticating three photographs of 5mm SREM magnets sold as “Neoballs,” “Zen Magnets” and “Buckyballs” (dated September 25, 2014)
- 12A Photograph of 5 mm spherical rare earth magnets (SREMs) sold by Respondent Zen Magnets under the brand name “Neoballs”
- 12B Photograph of 5 mm spherical rare earth magnets (SREMs) sold under the brand name “Zen Magnets”
- 12C Photograph of 5 mm spherical rare earth magnets (SREMs) purchased sold under the brand name “Buckyballs”
- 13 Excerpts from Deposition Testimony of Respondent’s proposed expert David Richter, Ph.D. (dated July 24, 2014)
- 14 Excerpts from Deposition Testimony of Anthony Pelletier, Ph.D. (dated July 16, 2014)
- 15 Declaration of Complaint Counsel Expert Dr. R. Adam Noel (dated September 24, 2014)
- 15A Curriculum Vitae of Complaint Counsel Expert Dr. R. Adam Noel, Exhibit A to Declaration of Dr. R. Adam Noel, Curriculum Vitae of Dr. R. Adam Noel
- 15B PowerPoint presentation titled “NASPGHAN Neodymium Magnet Ball Ingestion Survey Results,” Exhibit B to Declaration of Dr. R. Adam Noel
- 16 Declaration of Complaint Counsel Expert Laurence Steinberg, Ph.D. (dated September 22, 2014)
- 16A Curriculum Vitae of Complaint Counsel Expert Laurence Steinberg, Ph.D.

- 17 Medical Records for M [REDACTED] M [REDACTED]
- 18 Declaration of S [REDACTED] A [REDACTED] (dated September 21, 2014)
- 19 Declaration of Dr. J. Scott Somerset, M.D., Ph.D. (dated September 18, 2014)
- 20 Declaration of K [REDACTED] B [REDACTED] (dated September 3, 2014)
- 21 Declaration of J [REDACTED] H [REDACTED] (dated September 8, 2014)
- 22 Declaration of H [REDACTED] G [REDACTED] (dated September 18, 2014)
- 23 Declaration of G [REDACTED] B [REDACTED] (dated September 25, 2014)
- 24 Declaration of B [REDACTED] R [REDACTED] (dated September 25, 2014)
- 25 Declaration of Dr. L [REDACTED] A [REDACTED], M.D. (dated September 17, 2014)
- 26 Declaration of M [REDACTED] J [REDACTED] (dated September 22, 2014)
- 27 Declaration of K [REDACTED] L [REDACTED] (dated September 22, 2014)
- 28 Declaration of A [REDACTED] C [REDACTED] (dated September 24, 2014)
- 29 Excerpts from Deposition Testimony of Complaint Counsel Medical Expert Dr.
R. Adam Noel, M.D. (dated August 27, 2014)
- 30 Screen Shots Taken from <http://zenmagnets.com/blog/41-5-super-smash-contestants-vote-now/>, <http://zenmagnets.com/blog/35-5-sea-life-contest-winners-bitcoin-announced/>, and <http://zenmagnets.com/blog/28-5-two-set-monopoly-entries-announced-polls-open/>
- 31 Photographs of Dark Matter Games in Lakewood, Colorado (dated September 11, 2014)
-
- 32 Complaint Counsel's Second Amended Complaint
- 33 Respondent Craig Zucker's Response to Complaint Counsel's First Set of Request
for Admissions in CPSC Docket No. 12-1, pp. 1, 40
- 34 Respondent Zen Magnet's Full Report to CPSC Staff (dated May 29, 2012)
- 35 *In the Matter of P & M Enterprises*, CPSC Docket No. 88-1, Initial Decision,
Mar. 30, 1989
- 36 *In Re Francis Alonso, Jr. d/b/a Mylar Star Kites*, CPSC Docket No. 75-16 (Initial
Decision, June 21, 1976, Decision and Order (*findings of fact affirmed; proposed
order set aside on jurisdictional grounds*), Sept. 16, 1977
- 37 CPSC Release No. 14-172, May 12, 2014, Buckyballs and Buckycubes High-
Powered Magnet Sets Recalled Due to Ingestion Hazard; Craig Zucker To Fund A
Recall Trust, Settles With CPSC

- 38 CPSC Release No. 14-248, August 4, 2014, Star Networks USA Recalls
Magnicubes Due to Ingestion Hazard; Firm Settles Administrative Lawsuit
- 39 [REDACTED], Coroner's Office Case No. [REDACTED] (A [REDACTED]
C [REDACTED]), Coroner's Report and Verdict (dated August 24, 2013, *supplemented*
Feb. 28, 2014)
- 40 CPSC In-Depth Investigation [REDACTED] involving M [REDACTED] M [REDACTED]
- 41 Selected Excerpts from Deposition Testimony of Complaint Counsel Expert
Lawrence Steinberg, Ph.D. (dated August 14, 2014)
- 42 CPSC Release No. 07-039, Nov. 21, 2006, *Serious Injuries Prompt Recall of
Mattel's Polly Pocket Magnetic Play Sets*
- 43 CPSC Release No. 07-273, Aug. 14, 2007, *Additional Reports of Magnets
Detaching from Polly Pocket Play Sets Prompts Expanded Recall by Mattel*
- 44 CPSC Release 06-127, Mar. 31, 2006, *Child's Death Prompts Replacement
Program of Magnetic Building Sets*
- 45 CPSC Release 07-164, April 19, 2007, *Magnetix Magnetic Building Set Recall
Expanded Serious Injuries Continue to be Reported to CPSC*
- 46 Affidavit of Ray M. Aragon Authenticating Exhibits in Support of Complaint
Counsel's Motion for Summary Decision (dated September 26, 2014)
- 47 Screenshot from Neoballs.com web site (dated September 24, 2014)
- 48 Screenshots of <http://www.zenmagnets.com> home page, Exhibit 13 to Deposition
of Shihan Qu (dated July 8, 2014)

Respectfully submitted,



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September 26, 2014