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A settlement agreement has been reached in the case *CPSC v. Maxfield and Oberton Holdings, LLC. et al.*

Craig Zucker, co-founder of Maxfield & Oberton, the company that created Buckyballs®, settled with the Consumer Product Safety Commission on Friday May 9th, 2014.

"After nearly two years of fighting, it's good to finally have this case behind me," said Zucker. "My life has been consumed with defending both an overreaching lawsuit and the rights of small business owners. At this point, I have spent more on legal fees than I will on the settlement. The law does not support an individual being named in a case like this and I hope that this settlement will discourage the CPSC from wrongfully pursuing individual officers and entrepreneurs again in the future."

The settlement amount is less than 1% of the original \$57 million that the CPSC estimated a recall to cost and is not a fine or penalty. Funds will be paid to a Trust created and controlled by the CPSC to conduct a recall, according to the terms of the agreement.

"This settlement is a victory for me and for small business owners across the United States," Zucker also said.

The agreement states that "the Commission fully releases, acquits and forever discharges Respondent Zucker, in his individual capacity and in any capacity as a member, manager, officer or employee of Maxfield and Oberton Holdings, LLC, from all claims, demands, liabilities, actions, or causes of action in any connection with any violations of any of the acts or regulations enforced by the Commission arising out of or in any way concerning the manufacturing, importation, distribution, and sale of [Buckyballs® or Buckycubes®]."

The signing of the agreement does not constitute any admissions that Buckyballs® or Buckycubes® are defective or a toy or a children's product or that the Commission has jurisdiction over Zucker, and the parties settled the case without any adjudication of those issues. The funds were not paid on behalf of or to settle any obligation of the former entity Maxfield and Oberton.

In July 2012, after selling millions of Buckyballs® and related products to adults while working closely with the CPSC to ensure the products met all safety standards, Maxfield & Oberton was sued by the CPSC to force a full product recall. The company officially dissolved in December of 2012 due to lack of sales and constant losses. In February of 2013, the CPSC took unprecedented action by naming Zucker personally under the controversial Park Doctrine as an officer of the company that sold Buckyballs®.

The settlement agreement can be found [here](#).

In addition, Cause of Action will be dismissing with prejudice *Craig Zucker v. The United States Consumer Product Safety Commission and Inez Tenenbaum, Chairman of the United States Consumer Product Safety Commission*.

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