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Creator of Buckyballs® Sues Federal Government for Unprecedented Regulatory Overreach

Entrepreneur Craig Zucker Strikes Back Against Consumer Product Safety Commission for Egregious Abuse of Agency Power

WASHINGTON – Craig Zucker, co-founder of the company that created Buckyballs®, filed a lawsuit today against the Consumer Product Safety Commission (CPSC) for naming him personally liable in its \$57 million case *CPSC v. Maxfield and Oberton Holdings, LLC. et al.* Maxfield and Oberton, the company that sold Buckyballs®, one of the world’s most popular adult desktoys, was sued by the CPSC to force a full product recall in July 2012 and, due to the action, driven out of business in December 2012. Although the products have never been proven to be defective and remain legal to sell today, the CPSC has now turned its sights on Zucker individually, grossly over-reaching its authority by naming him personally in its suit.

Zucker has retained government accountability group Cause of Action to push back against the CPSC by filing a complaint in the U.S. District Court of Maryland. This complaint states that the CPSC lacks jurisdiction to carry out this unprecedented action against Zucker, a former corporate officer at Maxfield and Oberton, and seeks an injunction to stop the CPSC’s abuse of power.

Last month, Zucker launched “[United We Ball](#),” a campaign selling new products, such as Liberty Balls, to help raise funds for his ongoing legal battle, the effort of one individual to stand up for what’s right for American consumers, businesses, and individuals. The campaign has received media praise and an overwhelming amount of support from the public.

“For too long I have been a target of the CPSC and I am no longer willing to just take it,” said Zucker. “Despite over zealous regulators targeting me in the first place for speaking out, I am now taking legal action to defend myself against the CPSC’s egregious attempt at rewriting our cherished laws of limited liability. The success of [United We Ball](#) has given me the support base from consumers, lawmakers, and the media to take our fight to the next level. I will keep going until the case is won and ensure the CPSC can’t ever do this again to another individual.”

“The Commission has committed an unprecedented act by attempting to hold an individual entrepreneur liable for a recall that CPSC is seeking against a company that it forced out of business,” said Cause of Action Executive Director Dan Epstein. “At a minimum this action is an obvious overreach of the CPSC’s authority and at maximum it is an illegal abuse of power by persons within the Commission who seek to punish Mr. Zucker. Entrepreneurs in this country should not have to face a rogue federal agency that is merely making up the rules as they go along. The CPSC’s actions against Mr. Zucker are a very real threat to the liberty of every small business owner nationwide.”

The CPSC is arguing that Zucker is personally liable for the costs of the recall due to the Park Doctrine. The Park Doctrine, named for the 1975 Supreme Court case, *United States v. Park*, holds that in some circumstances, corporate officers can be individually liable for criminal violations committed by their corporate employers. However, under the Park Doctrine, former corporate officers have not been required to personally carry out **civil** remedial orders issued in response to the conduct of their former corporate employers. In this case, the corporate conduct was not illegal in the first place. Neither Maxfield and Oberton nor Zucker have committed any crimes or been accused of any criminal activity.

In addition to the lawsuit, Cause of Action is also filing Freedom of Information Act requests to discover the facts, factors and circumstances that led to the Commission's extraordinary, unprecedented and illegal overreach against Zucker, as well as an Information Quality Act complaint with the CPSC to seek and obtain correction of false statements made by the Commission concerning Zucker, Maxfield and Oberton, and Buckyballs®. Copies of all filings can be found at www.UnitedWeBall.org/legal.

For more on contributing to Zucker's legal defense and to purchase Liberty Balls, please visit www.UnitedWeBall.org.

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About United We Ball

United We Ball is a campaign founded by Craig Zucker and his supporters created to sell new products and fight the legal battle of one individual against the government to stand up for what's right for American consumers, businesses, and individuals. The ultimate goal of United We Ball is to prevent more overreaching bureaucratic lawsuits against job-creating entrepreneurs who speak out against selective justice and to fight to preserve principles of limited liability for responsible company officers and entrepreneurs. 100% of the profits from United We Ball will go towards the legal fees of defending CPSC v. Maxfield and Oberton Holdings, LLC, et al. The campaign web site can be found at www.UnitedWeBall.org

About Cause of Action:

Cause of Action is a nonprofit, nonpartisan organization that uses investigative, legal, and communications tools to educate the public on how government accountability and transparency protects taxpayer interests and economic opportunity. For more information, visit www.causeofaction.org.

To schedule an interview with Craig Zucker or for more information, contact Elise Flick, epf@karvcommunications.com, 212-333-0275

To schedule an interview with Cause of Action's Executive Director Dan Epstein, contact Mary Beth Hutchins, mary.beth.hutchins@causeofaction.org, 202-499-4232.