

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MEAGHIN JORDAN, ET AL.

PLAINTIFFS

V.

CAUSE NO. 3:15-CV-220-CWR-LRA

**MAXFIELD & OBERTON HOLDINGS
LLC, ET AL.**

DEFENDANTS

ORDER

Before the Court is the plaintiffs' motion for partial summary judgment as to whether it is unlawful to sell, manufacture, import, or distribute Buckyballs in the United States. Docket No. 313. The familiar summary judgment standard applies.

Review indicates that the parties are largely talking past one another. The plaintiffs are correct that the CPSC Consent Agreement remains in effect and bans the sale, manufacture, import, or distribution of Buckyballs and Buckycubes in this country. The defendants essentially concede the point. *See* Docket No. 334, at 5.

The defendants are nevertheless correct that other products *like* Buckyballs may lawfully be sold, manufactured, imported, and distributed in this country pursuant to the decision in *Zen Magnets, LLC v. Consumer Prod. Safety Comm'n*, 841 F.3d 1141 (10th Cir. 2016). The defendants will be free to educate the jury on that fact.

Lastly, the defendants press that ruling on the present motion would be highly prejudicial and of no probative value. The argument is denied without prejudice to the parties' ability to raise similar contentions in a motion in limine.

SO ORDERED, this the 27th day of September, 2017.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE