

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CRAIG ZUCKER,

Plaintiff,

v.

U.S. CONSUMER PRODUCT  
SAFETY COMMISSION, and  
ROBERT ADLER, in his official  
capacity as Acting Chairman of the  
U.S. Consumer Product Safety  
Commission,

Defendants.

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Civil No. 8:13-cv-03355-DKC

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**MOTION TO DISMISS**

The United States Consumer Product Safety Commission (“CPSC” or the “Commission”), and its Acting Chairman, Robert Adler,<sup>1</sup> hereby move to dismiss the complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth in a memorandum of points and authorities filed simultaneously with this motion.

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<sup>1</sup> Plaintiff named Inez Tenenbaum as a defendant in her official capacity as Chairman of the Commission. However, Chairman Tenenbaum left the agency on November 30, 2013, and under Rule 25(d) of the Federal Rules of Civil Procedure, Robert Adler, Acting Chairman, is substituted for Chairman Tenenbaum.

Respectfully submitted,

STUART F. DELERY  
Assistant Attorney General

MAAME EWUSI-MENSAH FRIMPONG  
Deputy Assistant Attorney General

MICHAEL S. BLUME  
Director

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/s/  
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