



Phoenix Corp. Ctr.
3003 N. Central Ave.
Suite 1200
P.O. Box 2199
Phoenix, Arizona
85001-2199

Telephone
602-604-2200

Facsimile
602-263-5333

1 John C. Scheller
(admitted pro hac vice; Wis. SBN No. 1031247)
2 Kevin M. St. John
(admitted pro hac vice; Wis. SBN No. 1054815)
3 MICHAEL BEST & FRIEDRICH LLP
One South Pinckney Street, Suite 700
4 Madison, Wisconsin 53703
(608) 257-3501

5 Don Bivens, State Bar No. 005134
6 Michael K. Dana, State Bar No. 019047
7 BIVENS & NORE, P.A.
3003 North Central Avenue
8 Suite 1200
Phoenix, Arizona 85012-2915
9 (602) 604-2200
10 dwbivens@bivens-nore.com
mdana@bivens-nore.com

11 *Attorneys for Plaintiff Hy-Cite Corporation*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 Hy-Cite Corporation, a Wisconsin
15 corporation,

16 Plaintiff,

17 vs.

18 badbusinessbureau.com, L.L.C., a St.
Kitts/Nevis Corporation d/b/a
19 badbusinessbureau.com and/or
ripoffreport.com and/or
20 badbusinessbureau.com/Rip-
OffReport.com; Xcentric Ventures, LLC,
21 an Arizona Limited Liability Company
d/b/a badbusinessbureau.com and/or
22 ripoffreport.com and/or
badbusinessbureau.com/Rip-
23 OffReport.com; and Ed Magedson, an
Arizona resident,

24 Defendants.

Case No: CV-04-2856-PHX-EHC

25 **APPLICATION FOR ENTRY OF**
26 **DEFAULT**

26 Pursuant to Rule 55(a), Fed. R. Civ. P., Plaintiff Hy Cite Corporation requests that
27 the Clerk of this Court enter the default of Defendants badbusinessbureau.com, LLC,
28 Xcentric Ventures, LLC, and Ed Magedson for the reason that Defendants have failed to

Phoenix Corp. Ctr.
3003 N. Central Ave.
Suite 1200
P.O. Box 2199
Phoenix, Arizona
85001-2199

Telephone
602-604-2200

Facsimile
602-263-5333

1 plead or otherwise respond to Plaintiff's Amended Complaint as required by the Federal
2 Rules of Civil Procedure. (See Dana Affidavit, Exh. A.)

3 DATED this 17th day of January, 2006.

4 MICHAEL BEST & FRIEDRICH LLP
5 John C. Scheller
6 Kevin M. St. John
7 One South Pinckney Street, Suite 700
8 Madison, Wisconsin 53703

9 BIVENS & NORE, P.A.

10 By s/Michael K. Dana
11 Don Bivens
12 Michael K. Dana
13 3003 North Central Avenue, Suite 1200
14 Phoenix, Arizona 85012-2915
15 Attorneys for Plaintiff Hy-Cite Corporation

16 CERTIFICATE OF SERVICE

17 I hereby certify that on January 17th, 2006, I electronically transmitted the attached
18 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
19 Notice of Electronic Filing to the following CM/ECF registrants:

20 Maria Crimi Speth
21 Jaburg & Wilk
22 3200 North Central Avenue, Suite 2000
23 Phoenix, Arizona 85012
24 Attorney for Defendants
25 mcs@jaburgwilk.com

26 s/E.E. Szafranski

27 ///

28 ///

///

Phoenix Corp. Ctr.
3003 N. Central Ave.
Suite 1200
P.O. Box 2199
Phoenix, Arizona
85001-2199

Telephone
602-604-2200

Facsimile
602-263-5333

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I further certify that on January 17th, 2006, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:
Honorable Earl H Carroll
United States District Court
401 West Washington Street
Phoenix, Arizona 85003

s/E.E. Szafranski
445905

EXHIBIT A

Phoenix Corp. Ctr.
3003 N. Central Ave.
Suite 1200
P.O. Box 2199
Phoenix, Arizona
85001-2199

Telephone
602-604-2200

Facsimile
602-263-5333

1 John C. Scheller
(admitted pro hac vice; Wis. SBN No. 1031247)
2 Kevin M. St. John
(admitted pro hac vice; Wis. SBN No. 1054815)
3 MICHAEL BEST & FRIEDRICH LLP
One South Pinckney Street, Suite 700
4 Madison, Wisconsin 53703
(608) 257-3501

5 Don Bivens, State Bar No. 005134
6 Michael K. Dana, State Bar No. 019047
7 BIVENS & NORE, P.A.
3003 North Central Avenue
8 Suite 1200
Phoenix, Arizona 85012-2915
9 (602) 604-2200
10 dwbivens@bivens-nore.com
mdana@bivens-nore.com

11 *Attorneys for Plaintiff Hy-Cite Corporation*

12 **IN THE UNITED STATES DISTRICT COURT**

13 **FOR THE DISTRICT OF ARIZONA**

14 Hy-Cite Corporation, a Wisconsin
15 corporation,

16 Plaintiff,

17 vs.

18 badbusinessbureau.com, L.L.C., a St.
19 Kitts/Nevis Corporation d/b/a
20 badbusinessbureau.com and/or
21 ripoffreport.com and/or
22 badbusinessbureau.com/Rip-
23 OffReport.com; Xcentric Ventures, LLC,
an Arizona Limited Liability Company
d/b/a badbusinessbureau.com and/or
24 ripoffreport.com and/or
badbusinessbureau.com/Rip-
OffReport.com; and Ed Magedson, an
Arizona resident,

25 Defendants.

Case No: CV-04-2856-PHX-EHC

**AFFIDAVIT OF MICHAEL K.
DANA IN SUPPORT OF
APPLICATION FOR
ENTRY OF DEFAULT**

26 STATE OF ARIZONA)

: ss

27 COUNTY OF Maricopa)

28 I, Michael K. Dana, being first duly sworn on oath, state the following:

Phoenix Corp. Ctr.
3003 N. Central Ave.
Suite 1200
P.O. Box 2199
Phoenix, Arizona
85001-2199

Telephone
602-604-2200

Facsimile
602-263-5333

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

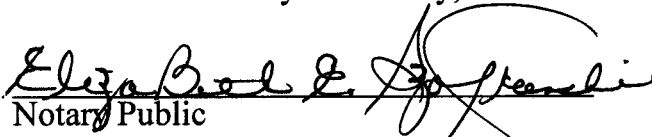
1. The Complaint in the above-captioned matter was filed on December 10, 2004.
2. An Amended Complaint was filed on January 18, 2005.
3. Defendants thereafter moved to dismiss the Complaint on various grounds.
4. This Court issued its Order Granting Motion to Dismiss in Part on December 27, 2005.
5. Defendants have not filed an Answer to the Complaint after issuance of this Court's December 27, 2005 Order.

DATED this 17th day of January, 2006.



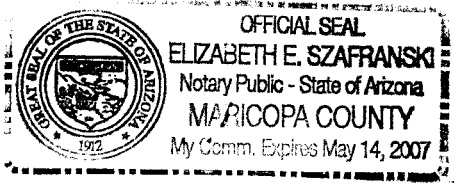
Michael K. Dana

Subscribed and sworn to before me this 17th day of January, 2006.



Notary Public

My commission expires:



445906