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11 **IN THE UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF ARIZONA**

13 XCENTRIC VENTURES, LLC, an Arizona  
14 corporation, d/b/a "RIPOFFREPORT.COM";  
15 ED MAGEDSON, an individual

Case No: 07-954

16 Plaintiffs,

17 v.

**MOTION TO DISMISS  
COUNTERCLAIMS OF  
DEFENDANTS ROBERT RUSSO,  
QED MEDIA GROUP, LLC AND  
INTERNET DEFAMATION  
LEAGUE, LLC.**

18 WILLIAM "BILL" STANLEY, an  
19 individual; WILLIAM "BILL" STANLEY  
20 d/b/a DEFAMATION ACTION.COM;  
21 WILLIAM "BILL" STANLEY d/b/a  
22 COMPLAINTREMOVER.COM; WILLIAM  
23 "BILL" STANLEY aka JIM RICKSON;  
24 WILLIAM "BILL" STANLEY aka MATT  
25 JOHNSON; ROBERT RUSSO, an  
26 individual; ROBERT RUSSO d/b/a  
27 COMPLAINTREMOVER.COM; ROBERT  
28 RUSSO d/b/a DEFENDMYNAME.COM;  
ROBERT RUSSO d/b/a QED MEDIA  
GROUP, L.L.C.; QED MEDIA GROUP,  
L.L.C.; QED MEDIA GROUP, L.L.C. d/b/a  
DEFENDMYNAME.COM; QED MEDIA  
GROUP, L.L.C. d/b/a  
COMPLAINTREMOVER.COM;  
DEFAMATION ACTION LEAGUE, an  
unincorporated association; and INTERNET  
DEFAMATION LEAGUE, an  
unincorporated association;

Defendants.

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1 ROBERT RUSSO, an individual; QED  
2 MEDIA GROUP, L.L.C., a Maine limited  
liability corporation,

3 Counterclaimants,

4 v.

5 ED MAGEDSON, an individual,

6 Counterdefendant.

7  
8 Plaintiff/Counterdefendant Ed Magedson hereby moves this Court for an Order  
9 dismissing Counts One and Two of the Counterclaim of Defendants/Counterclaimants  
10 Robert Russo and QED Media Group, L.L.C. (collective, "Counterclaimants") pursuant to  
11 Fed. R. Civ. P. 12(b)(6). As explained below, Counterclaimants have failed to state a  
12 claim upon which relief may be granted as to Counts One and Two.

13 **I. BACKGROUND**

14 **A. The Verified Complaint**

15 The Court has heard numerous recitations of the facts surrounding these  
16 proceedings; therefore, only a brief synopsis of those facts relevant to the parties involved  
17 in this particular Motion is necessary. Ed Magedson ("Magedson") is the Manager of  
18 Xcentric Ventures, LLC ("Xcentric"). Xcentric operates a website known as Rip-off  
19 Report ("ROR") located at [www.ripoffreport.com](http://www.ripoffreport.com). It is an extremely popular website  
20 where users of the website can both post complaints about businesses and look up a  
21 business' track record.

22 In or about late 2006, Defendants Robert Russo, Bill Stanley, and the Defamation  
23 Action League began providing a service called [complaintremover.com](http://complaintremover.com) and  
24 [defendmyname.com](http://defendmyname.com). They falsely claim to remove negative Rip-off Reports. Defendants  
25 began contacting disgruntled businesses who were unhappy about being exposed on ROR,  
26 again promising results. (Verified Complaint ¶ 19-22) These businesses apparently pay  
27 a fee to become members of the Internet Defamation League and/or the Defamation  
28 Action League.

1 In January 2007, Defendants began emailing and calling Magedson threatening to  
2 make his life "hell." (Verified Complaint ¶ 19) Since Magedson is often the subject of  
3 such threats, he simply refused to agree to remove any reports, as is his policy.

4 On February 3, 2007, Russo threatened Magedson that his members would harass  
5 ROR's service providers until reports were removed. This conversation was recorded.  
6 (Verified Complaint ¶ 33) Stanley also called and threatened Magedson with physical  
7 harm if reports were not removed. This conversation was also recorded, and a partial  
8 transcript of this disturbing conversation is set forth in the Verified Complaint. (Verified  
9 Complaint ¶ 34)

10 On February 5, 2007, Russo threatened that he knew that ROR was being hosted by  
11 Bryan Vincent Associates ("BVA"). He said he was putting ROR out of business within  
12 48 hours. Russo also told Magedson to check his mailbox. (Verified Complaint ¶ 36) At  
13 his neighbor's house, Magedson found two letters which were previously attached to the  
14 Verified Complaint as Exhibit "D." These letters are not only threatening, but frightening  
15 as well, and state, in part, that Magedson's "life is in danger," that he "will soon be beaten  
16 to a pulp and pounced into the ground six feet under with a baseball bat and sleg (sic)  
17 hammer," and "we will find you kill your dog and remove parts of your body one by one  
18 until your site is completely shut down." The author of these letters maintained he would  
19 make good on these threats if Magedson failed to remove specific companies from ROR.

20 On February 6, 2007, Stanley and/or Russo put up a defamation site as  
21 <http://www.bryanvicentassociates.com> which states it is a protest site by the Defamation  
22 Action League and condemns BVA for hosting ROR. The site further refers to Magedson  
23 as a "scumbag," and "internet extortionist" in addition to stating that he is a "wanted  
24 criminal that extorts individuals." (Verified Complaint ¶ 39) Then on February 14, 2007,  
25 Magedson received another threatening telephone call from Russo. (Verified Complaint ¶  
26 44)

27 Since January, 2007 and continuing today, Defendants have harassed and  
28 threatened a large number of companies that do business with ROR, as well as posted hate

1 sites and sent a barrage of threatening emails to these companies. (Verified Complaint ¶  
2 22, 27, 28, 30, 39, 40, 43, 45, 46, 53, 56) The message is always the same – if they refuse  
3 to serve ROR, Defendants will leave them alone, if they continue to serve ROR  
4 Defendants will put them and their clients out of business.

5 In February of 2007, Defendants threatened and harassed businesses who advertise  
6 on ROR, threatening them that if they continue to advertise on ROR, they would be the  
7 subject of “protest” sites which would rank high on search engines.

8 In February of 2007, Defendants spammed hundreds of people who work for  
9 companies who do business with Xcentric and urged them to stop doing business with  
10 Plaintiff, and called their payments for services “extortion payments”.

11 In May of 2007, after learning that legal action was being commenced, Defendants  
12 launched attacks on Plaintiffs’ law firm, posting hate sites and stating that Plaintiffs’  
13 attorneys are unethical, extortionists, and “partners in slime” with Magedson. Defendants  
14 sent virtually every attorney in Plaintiffs’ firm two emails, one with a link to the website  
15 and one threatening: “As soon as I hear from you that you will stop making threats the  
16 sites come down. If you keep barking then we will do what we do best.”

17 The facts clearly demonstrate that Defendants intend to continue this pattern of  
18 harassment. As such, Plaintiffs commenced the above-captioned Action and have sought  
19 (and obtained) injunctive relief.

20 **B. The Counterclaim**

21 On May 17, 2007, in conjunction with their Answer, Defendants Russo and QED  
22 Media Group, L.L.C. filed a Counterclaim against Magedson individually. The  
23 Counterclaim originally alleged two claims, including one for defamation and one for  
24 false light. On June 6, 2007, the First Amended Answer and Counterclaim was filed,  
25 adding an additional counterclaim for tortious interference with contract and other  
26 business expectancies. In support of their Counterclaim, the Counterclaimants attached  
27 two letters containing violent personal threats against Magedson, as well as the entire  
28 police report Magedson filed with the Mesa Police Department in conjunction with his

1 receipt of the letters. Taken as a whole, neither the documents nor the first two counts of  
2 the Counterclaim sustain a complaint upon which relief may be granted.

## 3 II. LEGAL ARGUMENT

### 4 A. Standard for Motion to Dismiss

5 In considering a motion to dismiss under Rule 12(b)(6), the court must accept all  
6 well-pleaded facts as true and view them in the light most favorable to the plaintiff.  
7 *Wright v. Oregon Metallurgical Corp.*, 360 F.3d 1090 (9th Cir. 2004). The court,  
8 however, is “not required to accept as true conclusory allegations which are contradicted  
9 by documents referred to in the complaint.” *Id.*

10 While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need  
11 detailed factual allegations, *Sanjuan v. American Bd. of Psychiatry and Neurology, Inc.*,  
12 40 F.3d 247, 251 (C.A.7 1994), a plaintiff's obligation to provide the “grounds” of his  
13 “entitle[ment] to relief” requires more than labels and conclusions, and a formulaic  
14 recitation of the elements of a cause of action will not do. *Bell Atlantic Corp. v.*  
15 *Twombly*, 127 S.Ct. 1955, 1964 -1965 (2007); see *Papasan v. Allain*, 478 U.S. 265, 286,  
16 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986) (on a motion to dismiss, courts “are not bound to  
17 accept as true a legal conclusion couched as a factual allegation”). Factual allegations  
18 must be enough to raise a right to relief above the speculative level, see 5 C. Wright & A.  
19 Miller, FEDERAL PRACTICE AND PROCEDURE § 1216, pp. 235-236 (3d ed.2004)  
20 (hereinafter Wright & Miller) (“[T]he pleading must contain something more ... than ... a  
21 statement of facts that merely creates a suspicion [of] a legally cognizable right of  
22 action”), on the assumption that all the allegations in the complaint are true (even if  
23 doubtful in fact), see, e.g., *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 508, n. 1, 122  
24 S.Ct. 992, 152 L.Ed.2d 1 (2002).

25 Dismissal of defamation suits for failure to state a claim upon which relief may be  
26 granted occurs with relative frequency. See Wright & Miller, § 1357, at 359 (1990) (A  
27 significant exception to the general rule that the complaint will be construed liberally on a  
28

1 Rule 12(b)(6) motion is when the cause of action is for libel or slander; then, the courts  
2 tend to construe the complaint by a somewhat stricter standard).

3 **B. No Defamatory Statements Are Alleged**

4 For a statement to be actionable, it must be defamatory, which means “any  
5 malicious falsehood . . . which tends to bring any person to disrepute, contempt, or  
6 ridicule . . . .” *Central Arizona Light and Power v. Acres*, 45 Ariz. 526, 46 P.2d 126, 131  
7 (1935). It must be published to some third person. *Restatement of Torts, Second*, § 577.  
8 In addition, the statement must be “of and concerning” the plaintiff. *Restatement of Torts,*  
9 *Second*, § 617(a). The statement must also be provably false. *Broking v. Phoenix*  
10 *Newspapers, Inc.*, 76 Ariz. 334, 264 P.2d 413, 416 (1953). The plaintiff must prove that  
11 the defendant acted with some degree of “fault” and, in the case of a private individual  
12 with no privileged occasion involved, the degree of fault is simple negligence. *Peagler v.*  
13 *Phoenix Newspapers, Inc.*, 114 Ariz. 309, 560 P.2d 1216 (1977). Finally, the statement,  
14 to be actionable, must cause damages.

15 1. Magedson’s statements to the Mesa Police are not actionable.

16 Statements made to the police in the reporting of a crime are absolutely privileged.  
17 *Ledvina v. Cerasani*, 213 Ariz. 569, 574, 146 P.3d 70, 75 (Ariz.App. Div. 2, 2006).  
18 Although the narration provided by Counterclaimants about Magedson’s reporting to the  
19 Mesa Police Department is relatively accurate, it is also irrelevant for the purposes of a  
20 defamation claim. “The collateral litigation of defamation claims arising from crime  
21 victims' reports to police would contravene th[e] [Victim's Bill of Rights] and thereby  
22 vitiate Arizona's stated public policy.” *Id.* Magedson cannot be liable for any reports  
23 made to the Mesa Police Department.

24 2. The Complaint fails to identify any actionable defamatory statements.

25 With respect to parties to court proceedings such as Magedson, the RESTATEMENT  
26 (SECOND) OF TORTS (1977) describes the absolute judicial privilege as follows:

27 A party to a private litigation ... is absolutely privileged to  
28 publish defamatory matter concerning another in  
communications preliminary to a proposed judicial

1 proceeding, or in the institution of or during the course and as  
2 a part of, a judicial proceeding in which he participates, if the  
3 matter has some relation to the proceeding.  
4 RESTATEMENT (SECOND) TORTS § 587; *see also Hall v. Smith*, 152 P.3d 1192, 1195 -  
5 1196 (Ariz.App. Div. 2,2007); *Johnson v. McDonald*, 197 Ariz. 155, ¶ 12, 3 P.3d 1075,  
6 1078 (App.1999). The privilege applies to both attorneys and parties to litigation. *See*  
7 *Green Acres Trust v. London*, 141 Ariz. 609, 613, 688 P.2d 617, 621 (1984); Restatement  
8 §§ 586, 587. And, “[t]he defense is absolute in that the speaker's motive, purpose or  
9 reasonableness in uttering a false statement do not affect the defense.” *Green Acres*, 141  
10 Ariz. at 613, 688 P.2d at 621; *see also Sobol*, 212 Ariz. 315, ¶ 11, 131 P.3d at 490. The  
11 purpose of the privilege is to ensure “the fearless prosecution and defense of claims which  
12 leads to complete exposure of pertinent information for a tribunal's disposition.” *Green*  
13 *Acres*, 141 Ariz. at 613, 688 P.2d at 621; *see also Krouse v. Bower*, 20 P.3d 895, 900  
14 (Utah 2001). Counterclaimants’ assertion that Magedon continued a “scheme” by  
15 repeating “defamatory accusations” in his Complaint are also irrelevant for purposes of  
16 any defamation claims against Magedon.

17 3. Counterclaimants remaining allegations of defamation are  
18 inadequate.

19 For Counterclaimants to survive this Motion to Dismiss, they must not only  
20 establish that the statements about which they complain are “reasonably capable of  
21 sustaining a defamatory meaning,” *Cochran v. NYP Holdings, Inc.*, 58 F.Supp.2d 1113,  
22 1121 (C.D.Cal.1998), *aff'd and reasoning adopted*, 210 F.3d 1036, 1038 (9th Cir.2000),  
23 they must also show that they are not mere “comment within the ambit of the First  
24 Amendment.” *Id.* This Court can resolve both questions as a matter of law. *Id.* at 1120;  
25 *Dodds v. Am. Broad. Co.*, 145 F.3d 1053, 1065-68 (9th Cir.1998) (dismissing action for  
26 failure to state a claim because statements were non-actionable opinion); *Dworkin v.*  
27 *Hustler Magazine, Inc.*, 668 F.Supp. 1408, 1415 (C.D.Cal.1987) (“It is for the court to  
28 decide [whether a statement is actionable defamation] in the first instance as a matter of  
law.”), *aff'd*, 867 F.2d 1188, 1193-94 (9th Cir.1989).

1 In the Counterclaim, Counterclaimants make vague accusations about statements  
2 Magedson allegedly made to “numerous members of the professional media”.  
3 (Counterclaim, ¶ 33). Despite this rather strong charge, Counterclaimants are unable to  
4 specify what statements, were made to whom nor whether any are false. Instead,  
5 Counterclaimants attempt to circumvent this requirement by referencing “false  
6 suggestions,” none of which are identified or articulated by Counterclaimants.

7 Counterclaimants further attempt to hold Magedson liable for fictitious statements  
8 made by asserting that he has publicized statements “in many forums.” (Counterclaim, ¶  
9 42) Although Counterclaimants do attempt to specify what these “forums” are, merely  
10 identifying the *type* of forum does not mitigate the responsibility of Counterclaimants to  
11 identify the *location* of the forums and *content* of the statements.<sup>1</sup>

12 Counterclaimants also assert the existence of a web page announcing the lawsuit,  
13 without providing the Court or Magedson with either the location of such a web page or  
14 even a copy of the web page. (Counterclaim, ¶ 53)

15 A claim for defamation cannot be premised entirely on inadmissible hearsay. *See*  
16 *Wallace v. Casa Grande Union High School Dist. No. 82 Bd. of Governors*, 184 Ariz.  
17 419, 425, 909 P.2d 486, 492 (Ariz.App. Div. 2,1995). Without documentation or  
18 admissible evidence as to the content of Magedson’s alleged statements, a claim for  
19 defamation cannot withstand a Motion to Dismiss.

20 As noted by one of the leading authorities on the subject of defamation,  
21 “[d]ismissal of defamation suits for failure of the complaint to state a cause of action or  
22 state a claim upon which relief may be granted occurs with relative frequency. ” Robert  
23 D. Sack, *Sack on Defamation* § 16.2.1 (3d ed. 1999). In fact, unlike most litigation, in a  
24 libel suit the allegedly defamatory communication is the central event and therefore it can  
25 be literally put before the judge at the pleading stage, and may be assessed upon a motion  
26 to dismiss, firsthand and in context. Indeed, many jurisdictions require that the complaint

27 <sup>1</sup> Counterclaimants allege that “[o]n information and belief, Magedson wrote the letters attached as Exhibit [A]  
28 himself as part of his scheme to defame the reputations of Russo and QED Media Group.” (Counterclaim, ¶ 33).  
Not only is this statement patently false, Counterclaimants had no foundation to make such a statement.

1 itself provide the exact statement which is the basis for the cause of action. *See* N.Y.  
2 C.P.L.R. § 3016(a) (New York requires “the particular words complained of ... be set  
3 forth in the complaint”); *Arsenault v. Forquer*, 197 AD.2d 554 (N.Y.App. 1993) (holding  
4 complaint in defamation case must also allege the time, place, and manner of the false  
5 statement and specify to whom it was made). Arizona has not addressed whether the  
6 exact statement must be provided; however, the analysis of other courts requiring such an  
7 inclusion in the complaint is compelling in light of the tension between defamation claims  
8 and the First Amendment.

9 Rule 8(a), Federal Rules of Civil Procedure sets forth a notice pleading  
10 requirement that requires the complainant to, at a minimum, inform the defendant what  
11 charges are being alleged against him. Magedson is entitled to fair notice of the claims  
12 against him to such an extent that he would be able to provide a response. In reading the  
13 plain language of the counterclaim, it is simply impossible to understand what it is that  
14 counterclaimants allege was defamatory. Supplying this information is crucial in the  
15 context of a claim for defamation; at a minimum the pleading should provide notice of  
16 what was said, and who published each statement. *See Phantom Touring, Inc. v. Affiliated*  
17 *Publ' ns*, 953 F.2d 724, 728 n.6 (1<sup>st</sup> Cir. 1992) (“[A] defendant is entitled to knowledge  
18 of the precise language challenged as defamatory and the plaintiff is therefore limited to  
19 its complaint in defining the scope of the alleged defamation.”); *Goldstein v. Kinney Shoe*  
20 *Corp.*, 931 F.Supp. 595 (N.D.Ill.1996) (Federal pleading standards generally require a  
21 plaintiff pleading a state law defamation claim to recite the specific words alleged to be  
22 defamatory; purpose of requiring in hac verba pleading is to enable defendant to  
23 responsively plead); *see also Lipsig v. Ramlawi*, 760 So.2d 170, 184 (Fl.App. 2000)  
24 (“[T]he general rule in Florida is that allegedly defamatory words should be set out in the  
25 complaint for the purpose of fixing the character of the alleged libelous publication as  
26 being libel[ous] per se.”). Without the knowledge of what statements are defamatory, no  
27 response and/or defense can be asserted by Magedson and it cannot be said that Magedson  
28 has received “fair notice” of those claims against him. *See generally Pierce v.*

1 *Montgomery County Opportunity Bd., Inc.*, 884 F.Supp. 965 (E.D.Pa.1995); *Mallett v.*  
2 *Timco Elec. Power and Controls, Inc.*, 815 F.Supp. 992 (E.D.Tex.1993); *Dimuccio v.*  
3 *D'Ambra*, 779 F.Supp. 1318 (M.D.Fla.1991).

4 **C. No Claim For False Light Exists**

5 Although defamation and false light often overlap, they serve very different  
6 objectives. *Godbehere v. Phoenix Newspapers, Inc.*, 162 Ariz. 335, 341, 783 P.2d 781,  
7 787 (Ariz.,1989). The two tort actions deter different conduct and redress different  
8 wrongs. A party may bring a false light invasion of privacy action even though the  
9 publication is not defamatory, and even though the actual facts stated are true. Even  
10 though both defamation and false light invasion of privacy involve publication, the nature  
11 of the interests protected by each action differs substantially. See PROSSER & KEETON  
12 § 117, at 864. To prevail on a claim for false light, Counterclaimants must prove that  
13 something untrue has been published about them or that the publication or if the  
14 publication is true that it creates a false implication about the Counterclaimants.  
15 *Godhehere v. Phoenix Newspapers, Inc.*, 162 Ariz. 335, 783 P.2d 781 (1989). The  
16 *Restatement* similarly describes false light invasion of privacy claims as follows:

17 One who gives publicity to a matter concerning another that  
18 places the other in a false light is subject to liability to the  
19 other for the invasion of his privacy, if (a) the false light in  
20 which the other was placed would be highly offensive to a  
21 reasonable person, and (b) the actor had knowledge of or  
acted in reckless disregard as the falsity of the publicized  
matter and the false light in which the other would be placed.

22 Restatement (Second) of Torts § 652E. Counterclaimants have not alleged facts showing  
23 that Magedson placed them in a false light, that the false light in which they were  
24 portrayed would be highly offensive to a reasonable person, and that Magedson had  
25 knowledge of or acted in reckless disregard of the falsity of the matter and the false light  
26 in which they were portrayed. *Hart v. Seven Resorts, Inc.*, 190 Ariz. 272, 947 p.2d 846  
27 (App.1997)(quoting Restatement §652(E)). In an action for false light, the  
28 Counterclaimants' subjective threshold of sensibility is not the measure, and "trivial

1 indignities” are not actionable. Thus, the tort action for false light provides protection  
2 against a narrow class of wrongful conduct that falls short of “outrage”.

3 False light does not protect reputation but protects mental and emotional interests.  
4 The wrongs redressed by a claim for false light must be considered as a direct rather than  
5 an indirect injury and one that is wholly personal in character, not depending on any effect  
6 which the publication may have on the standing of the individual in the community. *Reed*  
7 *v. Real Detective Pub. Co.*, 63 Ariz. 294, 306, 162 P.2d 133, 139 (Ariz.1945). Indeed,  
8 “[t]he gravamen of [a privacy] action ... is the injury to the feelings of the plaintiff, the  
9 mental anguish and distress caused by the publication.” *Id.*, 63 Ariz. at 305, 162 P.2d at  
10 139. The remedy is available “to protect a person's interest in being let alone and is  
11 available when there has been publicity of a kind that is highly offensive.” PROSSER &  
12 KEETON § 117, at 864. To qualify as a false light, the publication must involve “a major  
13 misrepresentation of [the Counterclaimants’] character, history, activities or beliefs,” not  
14 merely minor or unimportant inaccuracies. Restatement § 652E comment c.

15 The allegations in the Counterclaim are insufficient to support a claim of false  
16 light. *See Godbehere v. Phoenix Newspapers, Inc.*, 162 Ariz. 335, 783 P.2d 781, 786  
17 (1989). The allegations in the Counterclaim also do not support the general rule that a  
18 claim for false light requires “publicity.” *See, Restatement of Torts (2nd) § 652D* (“one  
19 who gives publicity to a matter concerning a private life of another is subject to liability to  
20 the other for invasion of his privacy.”).

21 .....

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1 **III. CONCLUSION**

2 As demonstrated above, Counterclaimants have failed to state a claim for either  
3 defamation or false light, and therefore the Counts One and Two of the First Amended  
4 Counterclaim must be dismissed in their entirety. Similarly, as also demonstrated above,  
5 no material facts remain as to Count Three of the First Amended Counterclaim, and  
6 judgment must be entered against Counterclaimants as a matter of law.

7 DATED this 15<sup>th</sup> day of June, 2007

8 **JABURG & WILK, P.C.**

9  
10  
11 s/ Maria Crimi Speth  
12 Maria Crimi Speth  
13 Attorneys for Plaintiffs

14  
15 **Certificate of Service**

16 I hereby certify that on June 15, 2007, I electronically transmitted the attached  
17 document to the Clerk's Office using the CM/ECF System for filing, and for transmittal of  
18 a Notice of Electronic Filing to the following CM/ECF registrants:

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QED Media Group, LLC and Internet  
Defamation League

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With a COPY of the foregoing emailed on the 15<sup>th</sup> day of June, 2007, to:

William "Bill" Stanley  
defamationaction@gmail.com  
geographicalseo@gmail.com

With a COPY of the foregoing hand delivered on the 15<sup>th</sup> day of June, 2007, to:

Honorable Neil V Wake  
United States District Court  
District of Arizona

s/Debra Gower

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