

1 Maria Crimi Speth, #012574  
 2 David S. Gingras, #021097  
 3 **JABURG & WILK, P.C.**  
 4 3200 North Central Avenue, Suite 2000  
 5 Phoenix, Arizona 85012  
 6 Tel: (602) 248-1000  
 7 Fax: (602) 248-0522  
 8  
 9 Attorneys for Xcentric Ventures, L.L.C.

6 **UNITED STATES DISTRICT COURT**  
 7  
 8 **DISTRICT OF ARIZONA**

9 ECOMMERCE INNOVATIONS, L.L.C.,  
 10 a Nevada limited liability company,  
 11 Plaintiff,  
 12 v.  
 13 DOES 1 through 10,  
 14 Defendants.

**Case No.: 2:08-MC-00093**

**NOTICE OF FILING ORIGINAL  
SIGNATURE PAGE**

15 Non-party XCENTRIC VENTURES, L.L.C. (“Xcentric”) gives notice that it has  
 16 filed the attached signature page attached as **Exhibit A** relating to its Sur-Reply (Doc.  
 17 #11; 10/22/2008). Because the Sur-Reply filed by the Clerk was an unsigned proposed  
 18 copy, this signature page is filed to ensure the pleading complies with Fed. R. Civ. P.  
 19 11(a).

20 DATED this 22<sup>nd</sup> day of October 2008.

21  
 22 **JABURG & WILK, P.C.**

23 /s/ David S. Gingras  
 24 Maria Crimi Speth  
 25 David S. Gingras  
 26 Attorneys for Xcentric Ventures, L.L.C.

JABURG & WILK, P.C.  
 ATTORNEYS AT LAW  
 3200 NORTH CENTRAL AVENUE  
 SUITE 2000  
 PHOENIX, ARIZONA 85012

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

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2008 I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Donnelly A. Dybus, Esq.  
**BUCHALTER NEMER**  
16435 North Scottsdale Road, Suite 440  
Scottsdale, AZ 85254-1754

Attorneys for Plaintiffs

With a COPY of the foregoing delivered to:

Honorable David G. Campbell  
United States District Court  
District of Arizona

s/David S. Gingras

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

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

# EXHIBIT A

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

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

Silver does not steal the designs of famous third party manufacturers. Mr. Strager's own website proves that this is exactly what Inspired Silver does.


Under the circumstances, it is obvious that Mr. Strager submitted a false declaration to the Court in an effort to support a frivolous claim so that he could invade the First Amendment rights of the anonymous author who posted truthful statements about Mr. Strager's illegal business practices. This conduct is an abuse of the Court's process and warrants the imposition of serious sanctions.

As such, in addition to any other remedy the Court may find appropriate, Xcentric requests that the Court find Mr. Strager's declaration was submitted in bad faith and that the Court order Mr. Strager to pay the reasonable expenses, including attorney's fees, incurred by Xcentric pursuant to Fed. R. Civ. P. 56(g).

**IV. CONCLUSION**

For all of these reasons, the Court should deny Ecommerce's Motion to Compel, quash the subpoena pursuant to Fed. R. Civ. P. 45(c)(3)(A)(iii), and award sanctions including costs and attorney's fees to Xcentric pursuant to Fed. R. Civ. P. 56(g).

DATED this 22 day of October 2008.

**JABURG & WILK, P.C.**  
  
\_\_\_\_\_  
Maria Chini Speth  
David S. Gingras  
Attorneys for Xcentric Ventures, L.L.C.