

DECLARATION DAVID STRAGER

1 **BUCHALTER NEMER**
2 *A Professional Corporation*
3 16435 North Scottsdale Road, Suite 440
4 Scottsdale, Arizona 85254-1754
5 Phone: (480) 383-1800
6 Fax: (480) 824-9400

7
8 Donnelly A. Dybus
9 State Bar Number 013819

10 Attorneys for Plaintiff
11 ECOMMERCE INNOVATIONS L.L.C.

12
13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 ECOMMERCE INNOVATIONS L.L.C., a
16 Nevada limited liability company,

17 Plaintiff,

18 vs.

19 DOES 1-10,

20 Defendants.

Case No. 2:08-MC-00093

[Pending in the Central District of
California, Case No. CV08-04596]

**DECLARATION OF DAVID STRAGER
IN SUPPORT OF OPPOSITION BY
ECOMMERCE INNOVATIONS L.L.C.
TO MOTION FOR
RECONSIDERATION, ETC. BY
XCENTRIC VENTURES, LLC,
DBA RIPOFFREPORT.COM**

21 I, David Strager, declare:

22 1. I am the CEO of plaintiff Ecommerce Innovations L.L.C., dba Inspired Silver
23 (“Plaintiff” or “Inspired Silver”), and have been so since its organization in or about 2003. I am
24 responsible for managing Plaintiff’s manufacture and purchase of inventory, sales and accounts
25 payable, among other things. As such, I have personal knowledge of the facts stated herein, and
26 if called as a witness, could and would testify competently thereto.

27 2. I have reviewed all of Inspired Silver’s books and records regarding its
28 relationship with Accessories Rock and have confirmed that the outstanding balance owing to
Accessories Rock during the relevant time period did not exceed \$6,491.60. While I do recall

1 speaking with an attorney for Accessories Rock earlier this year, I also recall that the attorney
2 needed to recalculate his client's demand because it failed to include credits owing to Inspired
3 Silver for items that were returned, never received or refused delivery. I recall at the time
4 discussing with Accessories Rock's attorney that a final accounting would show an amount owing
5 of somewhere between \$6,000 and \$8,000 based upon the unpaid orders. This was the range that
6 he and I were negotiating in terms of settlement.

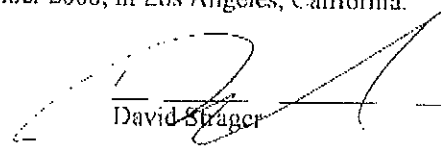
7 3. In calculating the balance with Accessories Rock, I have added the 20 orders
8 invoiced by Accessories Rock during the lifetime of our companies' relationship, subtracted the
9 payments made by Inspired Silver and credited the orders that were returned, never received or
10 refused delivery. Attached hereto as **Exhibit "1"** is a true and correct copy of my spreadsheet
11 that summarizes all of these items. In summary, Inspired Silver was invoiced for a total of
12 \$35,071.76 by Accessories Rock in the time period from third quarter 2007 through first quarter
13 2008. Inspired Silver sent payment checks to Accessories Rock in the total amount of
14 \$16,745.28, a true and correct copy of which redacted checks and electronic payment register are
15 collectively attached hereto as **Exhibit "2."** And Inspired Silver returned, never received or
16 refused delivery on a total amount of \$11,834.88 during this time period. Specifically, Inspired
17 Silver never received \$2,963.70 worth of merchandise pursuant to Accessories Rock invoice
18 number 1196. Accessories Rock did not send any confirmation of this missing order so this
19 invoice does not appear in our records or in the spreadsheet. On or about March 10, 2008, I
20 terminated all future orders with Accessories Rock. Accordingly, Inspired Silver refused delivery
21 of \$3,214.09 worth of merchandise pursuant to Accessories Rock invoice number 1282, even
22 though we were later incorrectly billed for it. Attached hereto as **Exhibit "3"** is a true and correct
23 copy of the Federal Express confirmation showing the refusal and signature for the return receipt
24 of this merchandise. And Inspired Silver returned \$8620.79 worth of merchandise to Accessories
25 Rock pursuant to an agreement between the parties, but never received credit for such return.
26 Attached hereto as **Exhibit "4"** is a true and correct copy of a Federal Express confirmation
27 showing a delivery to Accessories Rock on or about March 7, 2008, which comprised a return of
28 merchandise. The net calculation for the relevant time period showed a balance of \$6,491.60.

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4. Accordingly, I stand by my earlier statement that under no circumstance does Inspired Silver owe \$25,000.00 to Accessories Rock.

I declare under the penalty of perjury under the laws of these United States of America that this Declaration is true and correct.

Executed this 19 day of December 2008, in Los Angeles, California.



David Strager

EXHIBIT 1

Check Reference Area	
Total Order	11,534.96
Total Ship	16,745.69
Credits and Product not shipped	0.00
Total owed	16,745.69

Order #	Invoice #	Date Ordered	Ordered By	Date received	Amount due	Quantity Recd.	Items Returned	Quantity Ret.	Date Returned	Received By	Balance Due	Check and Payment Information	Additional order information
1/ Samples	707	August 27 2007	Michelle/Ann	9/6/2007 @ 11:17am by Peters	\$984.93	41 Pieces		17 Pieces @ 1.00 total cost of \$497.03	Shipped 09/27/2007 Delivered 09/27/2007 @ 2:39pm	Signed for by Ghaliiner	\$497.50	Invoice was paid in full in the outstanding amount of \$497.50 on 11/28/2007 by check number 1319 Check cashed 12/05/2007	\$0.00 Balance remaining Estimate received for possible order. Order placed on later invoice
2/ Estimate	1216	9/19/2007	Estimate	9/19/2007	\$0.00	\$0.00	N/A	N/A	N/A	N/A	\$0.00		All Samples returned for credit not interested in items. \$0.00 Balance remaining
3/ Samples	718	August 27 2007	Ann	09/20/2007 @ 10:08am by Annis	\$260.17	4		Entire Invoice Shipped 01/09/2008 at a total cost of \$230.71	Delivered 01/15/2008 @ 3:05PM	Signed for by A. Frank	\$0.00	Invoice was paid in full in the outstanding amount of \$260.17 on 01/15/2008 by check number 1418. Check cashed 01/19/2008	Michelle reviewed invoice with Karlyn morning per quantity invoiced was not received. At the time Karlyn had agreed to the invoice and the errors of the invoice with missing product and not invoicing us for some items we brought to Karlyn attention that were received. \$0.00 Balance remaining
4/ Order	737	9/25/2007	Michelle	10/09/2007 @ 3:14pm by Peters	\$1,815.37	79 Pieces	Nothing returned Invoice was incorrect when received. Invoiced for items not received. SECD106 Invoiced for qty. 10 for total of \$194.00 for 10 pieces of XXX QTY.1 for a total of \$194.00. Invoiced for a total of \$33.30 XXX Qty. 7 for a total of \$33.30. Invoiced for a total of \$33.30 XXX Qty. 10 was assessed and no invoice sent \$107.10 for these items	N/A	N/A	N/A	\$1,462.07	Invoice was paid in full in the outstanding amount of \$1,815.37 on 12/06/2007 by check number 1323. Check cashed 12/19/2007	
5/ Order	739	9/25/2007	Michelle	10/09/2007 @ 3:14pm by Peters	\$513.88	23 Pieces	N/A	N/A	N/A	N/A	\$513.88	Invoice was paid in full in the outstanding amount of \$513.88 on 12/06/2007 by check number 1333. Check cashed 12/19/2007	
6/ Order & Samples	745	9/25/2007	Michelle	N/A	\$745.60	37 Pieces	XXX qty.12, XXX QTY.5, SECD106 qty.2, XXX QTY.2, RN0085, XXX & XXX	27 Pieces @ a total cost of \$472.00	Shipped 11/06/2007 Delivered 11/12/2007 @ 3:09PM	L. Hillmer	\$273.60	Invoice was paid in full in the outstanding amount of \$745.60 on 11/12/2008 by check number 1418. Check cashed 01/19/2008	
7/ Order	1101	9/25/2007	Michelle	11/8/2007	\$985.95	23 Pieces	N/A	N/A	N/A	N/A	\$985.95	Invoice was paid in full in the outstanding amount of \$985.95 on 11/12/2008 by check number 1434. Check cashed 01/19/2008	
8/ Order	1110	9/25/2007	Michelle	11/13/2007 @ 2:35pm by Peters	\$4,323.85	190 Pieces	N/A	N/A	N/A	N/A	\$4,323.85	Invoice was paid in full in the outstanding amount of \$4,323.85 on 11/12/2008 by check number 1418. Check cashed 01/19/2008	
9/ Samples	1111	N/A	Ann	11/14/2007 @ 2:22pm by C.Peters	\$95.85	16 Pieces	N/A	N/A	N/A	N/A	\$95.85	Invoice was paid in full in the outstanding amount of \$95.85 on 01/23/2008 by check number 1434. Check cashed 01/29/2008	
10/ Order	1117	9/25/2007	Michelle	11/14/2007 @ 2:32pm by C.Peters	\$2,385.72	102 Pieces	N/A	N/A	N/A	N/A	\$2,385.72	Partial payment was made on 01/23/2008 in the amount of \$1,315.19 by check number 1434. Check cashed 01/29/2008. Remaining balance on check number 1470. Check cashed 02/12/2008. Invoice was paid in full in the outstanding amount of \$1,069.00 on 01/23/2008 by check number 1434. Check cashed 01/29/2008	
11/ Order	1187	9/25/2007	Michelle	N/A Items were sent with 1117 and forgot to invoice inspired Silver	\$1,589.00	100 Pieces	N/A	N/A	N/A	N/A	\$1,589.00	Invoice was paid in full in the outstanding amount of \$1,589.00 on 01/23/2008 by check number 1434. Check cashed 01/29/2008. Items were not received to us by Michelle with Invoice 1117. This was brought to Karlyn and Ann's attention by Michelle. A new invoice was created by Accessories Rock and sent to us for payment under Invoice number 1187. \$0.00 Balance remaining	
12/ Order	1124	9/25/2007	Michelle	11/20/2007 @ 2:35pm by C.Peters	\$5,037.76	288 Pieces	N/A	N/A	N/A	N/A	\$5,037.76	Invoice was paid in full in the outstanding amount of \$5,037.76 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	Balance remaining \$0.00
13/ Order	APW-1104	9/25/2007	Michelle	12/04/2007 @ 3:21pm by C.Peters	\$5,589.41	228 Pieces	N/A	N/A	N/A	N/A	\$5,589.41	Invoice was paid in full in the outstanding amount of \$5,589.41 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
14/ Order	1166	9/25/2007	Michelle	12/05/2007 @ 2:34pm by C.Peters	\$4,504.89	251 Pieces	N/A	N/A	N/A	N/A	\$4,504.89	Invoice was paid in full in the outstanding amount of \$4,504.89 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
15/ Order	1174	9/25/2007	Michelle	12/10/2007 @ 2:55pm by C.Peters	\$448.04	18 Pieces	N/A	N/A	N/A	N/A	\$448.04	Invoice was paid in full in the outstanding amount of \$448.04 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
16/ Order	1180	9/25/2007	Michelle	12/11/2007 @ 2:38pm by C.Peters	\$207.00	6 Pieces	N/A	N/A	N/A	N/A	\$207.00	Invoice was paid in full in the outstanding amount of \$207.00 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
17/ Order	1197	9/25/2008	Michelle	after 12/14/2007	\$1,046.04	28 Pieces	N/A	N/A	N/A	N/A	\$1,046.04	Invoice was paid in full in the outstanding amount of \$1,046.04 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
18/ Order	1207	9/25/2008	Michelle	12/27/2007 @ 2:24pm by C.Peters	\$1,948.99	58 Pieces	N/A	N/A	N/A	N/A	\$1,948.99	Invoice was paid in full in the outstanding amount of \$1,948.99 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
19/ Order	1232	9/25/2008	Michelle	01/29/2008 @ 2:17pm by C.Peters	\$1,370.08	72 Pieces	N/A	N/A	N/A	N/A	\$1,370.08	Invoice was paid in full in the outstanding amount of \$1,370.08 on 02/09/2008 by check number 1528. Check cashed 03/10/2008	
20/ Order	1282	1/14/2008	Michelle	Refused Shipment asked them not to ship it	\$3,214.09	172 Pieces	Entire shipment was returned Accessories Rock not to ship. The order was for Valentines Day and was attempted delivery on 03/14/2008 @ 2:45pm. Shipment was to have been shipped to us on 01/31/2008 as per conversation between Michelle and Karlyn stating that this would be a 2 week lead time and would be available to ship. Order was shipped in 11 to 2 weeks and was not in our warehouse. It has already canceled orders.	03/14/2008 @ 2:45pm refused received by Telis on 03/15/2008 @ 3:30 AM Boca Raton FL	N/A	N/A	\$0.00	No payment needed entire order returned. Part of the credit was applied to the \$1,104 in the amount of \$588.41 to pay balance in full. Remaining credit is \$533.18	\$0.00 Balance remaining
Return Shipment					\$36,634.25	340 Pieces	As per conversation between Ann and Karlyn when list mail items could be returned if they didn't sell items in the amount of \$8820.78 returned to Accessories Rock		03/07/2008 @ 2:30pm	Tellis			Total Due to Accessories Rock \$9525.99 - \$3031.36 = \$6494.63 Remaining outstanding to Accessories Rock

EXHIBIT 2

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1434
 1/21/2017

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **1,000.00

One Thousand and 00/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1418
 1/16/2017

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **4,904.98

Four Thousand Nine Hundred Nine and 90/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1323
 1/28/2017

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **287.45

Seven Hundred Eighty Seven and 45/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1470
 7/8/2016

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **1,000.51

One Thousand Fifty and 51/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO
 Product

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1528
 3/22/2016

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **5,037.76

Five Thousand Thirty Seven and 76/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO
 Product

ECOMMERCE INNOVATIONS, LLC
 3675 SKYPARK DRIVE
 SUITE 204
 TORRANCE, CA 90505
 P. (310) 578-5070

WELLS FARGO BANK
 3740 HIGHTOWER BLVD
 ROLLING HILLS ESTATES, CA 90274
 9137399

1319
 11/16/2017

PAY TO THE ORDER OF: Accessories Rock, Inc. \$ **1,695.57

One Thousand Nine Hundred Fifty Nine and 57/100 ***** DOLLARS

Accessories Rock, Inc.
 1200 Clint Moore Road
 Boca Raton, FL 33487

MEMO

2:27 PM

12/18/08

Accrual Basis

Inspired Silver Find Report All Transactions

Type	Date	Num	Name	Memo	Account	Clr
Bill Pmt -Check	3/3/2008	1528	Accessories Rock, I...	Product	Inspired Silver WF 6...	X
Bill Pmt -Check	2/6/2008	1470	Accessories Rock, I...	Product	Inspired Silver WF 6...	X
Bill Pmt -Check	1/23/2008	1434	Accessories Rock, I...		Inspired Silver WF 6...	X
Bill Pmt -Check	1/11/2008	1418	Accessories Rock, I...		Inspired Silver WF 6...	X
Bill Pmt -Check	12/6/2007	1323	Accessories Rock, I...		Inspired Silver WF 6...	X
Bill Pmt -Check	11/28/2007	1319	Accessories Rock, I...		Inspired Silver WF 6...	X

Total

2:27 PM

12/18/08

Accrual Basis

Inspired Silver
Find Report
All Transactions

<u>Split</u>	<u>Amount</u>	<u>Balance</u>
Accounts Paya...	-5,037.76	-5,037.76
Accounts Paya...	-1,050.57	-6,088.33
Accounts Paya...	-3,000.00	-9,088.33
Accounts Paya...	-4,909.90	-13,998.23
Accounts Paya...	-787.48	-14,785.71
Accounts Paya...	-1,959.57	-16,745.28
	<u>-16,745.28</u>	<u>-16,745.28</u>

EXHIBIT 3

1000



Go

Package/Envelope | Freight | Expedited | Office/Print Services *

Ship | Track | Manage | Business Solutions

Track Shipments/FedEx Kinko's Orders
Detailed Results

Printable Version Quick Help

Tracking number	659197110004247	Purchase order number	10667
Signed for by	TELLISS	Invoice number	Inv 1282
Ship date	Mar 10, 2008	Destination	Boca Raton, FL
Delivery date	Mar 21, 2008 3:14 PM	Service type	Ground-Adult Signature Required-Domestic
		Weight	3.5 lbs.
Status	Delivered		
Signature Image available	Yes		

Wrong Address?
Reduce future mistakes by using FedEx Address Checker.

Make the switch from DHL easy...
Choose FedEx
Go >

Date/Time	Activity	Location	Details
Mar 21, 2008 3:14 PM	Delivered	Boca Raton, FL	
6:17 AM	On FedEx vehicle for delivery	POMPANO BEACH, FL	
Mar 20, 2008 10:48 PM	At local FedEx facility	POMPANO BEACH, FL	
5:53 AM	In transit	ORLANDO, FL	
Mar 18, 2008 7:10 AM	Departed FedEx location	BLOOMINGTON, CA	
5:36 AM	Arrived at FedEx location	BLOOMINGTON, CA	
Mar 17, 2008 11:36 PM	Departed FedEx location	CARSON, CA	
5:26 AM	Package returned to shipper	CARSON, CA	Unable to deliver shipment, return to shipper - Delivery refused
Mar 14, 2008 2:49 PM	Delivery exception	CARSON, CA	Refused by recipient
2:49 PM	Delivery exception	CARSON, CA	Refused by recipient - Order canceled
5:20 AM	Arrived at FedEx location	CARSON, CA	
Mar 13, 2008 8:11 PM	Departed FedEx location	CITY OF INDUSTRY, CA	
6:04 PM	Arrived at FedEx location	CITY OF INDUSTRY, CA	
Mar 11, 2008 10:03 AM	In transit	ORLANDO, FL	
6:52 AM	Left FedEx origin facility	POMPANO BEACH, FL	
Mar 10, 2008 7:52 PM	Arrived at FedEx location	POMPANO BEACH, FL	
6:36 PM	Picked up	POMPANO BEACH, FL	
5:23 PM	In FedEx possession	BOCA RATON, FL	Tendered at FedEx location
4:10 PM	Package data transmitted to FedEx		

FedEx Tracking

Coming Jan. 2008

Take a sneak peek at what's coming soon!

Signature proof

Track more shipments/orders

E-mail your detailed tracking results (optional)

Enter your name and e-mail address, submit up to three e-mail addresses, add your message (optional), and click Submit. If you include a message, you must enter your name and e-mail address in the fields provided.



FedEx Ground
P.O. Box 108
Pittsburgh, PA 15230-0108

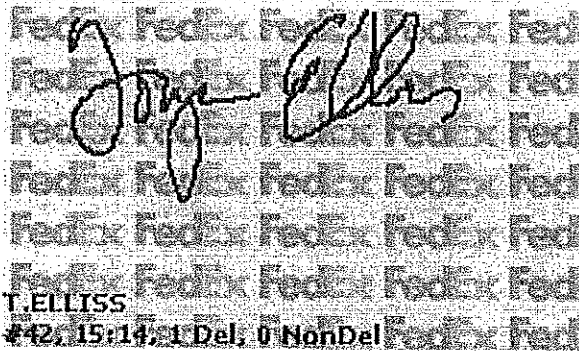
December 18, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number 659197110004247.

Delivery Information:

Status:	Delivered	Delivery location:	Boca Raton, FL
Signed for by:	TELISS	Delivery date:	Mar 21, 2008 15:14
Service type:	Ground-Adult Signature Required-Domestic		



Shipping Information:

Tracking number:	659197110004247	Ship date:	Mar 10, 2008
		Weight:	3.5 lbs.

Recipient:	Shipper:
TORRANCE, CA US	Boca Raton, FL US

Purchase order number	10667
Invoice number	Inv.1282

Thank you for choosing FedEx Ground.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

EXHIBIT 4

CREDIT

Track Shipments/FedEx Kinko's Orders

Detailed Results

[? Quick Help](#)

Tracking number	292654310011004	Reference	Product for Return
Signed for by	TELLIS	Destination	Boca Raton, FL
Ship date	Mar 3, 2008	Service type	Ground-Direct
Delivery date	Mar 7, 2008 2:30 PM	Weight	Signature Required-Domestic 19.2 lbs.
Status	Delivered		
Signature image available	Yes		

Date/Time	Activity	Location	Details
Mar 7, 2008	2:30 PM	Delivered	Boca Raton, FL
	4:52 AM	On FedEx vehicle for delivery	POMPANO BEACH, FL
	1:50 AM	At local FedEx facility	POMPANO BEACH, FL
Mar 6, 2008	10:41 PM	Departed FedEx location	ORLANDO, FL
	3:02 PM	Arrived at FedEx location	ORLANDO, FL
Mar 4, 2008	8:27 AM	Departed FedEx location	BLOOMINGTON, CA
	4:27 AM	Arrived at FedEx location	BLOOMINGTON, CA
Mar 3, 2008	11:37 PM	Left FedEx origin facility	CARSON, CA
	8:48 PM	Arrived at FedEx location	CARSON, CA
	6:00 PM	Picked up	CARSON, CA

E-mail your detailed tracking results (optional)

Enter your name and e-mail address, submit up to three e-mail addresses, add your message (optional), and click Submit. If you include a message, you must enter your name and e-mail address in the fields provided.

Your name:

Your e-mail address:

To e-mail address(es):

Add personal message:

Not available for non-English characters

By selecting this check box and the Submit button, I agree to these Terms and Conditions



FedEx Ground
P.O. Box 108
Pittsburgh, PA 15230-0108

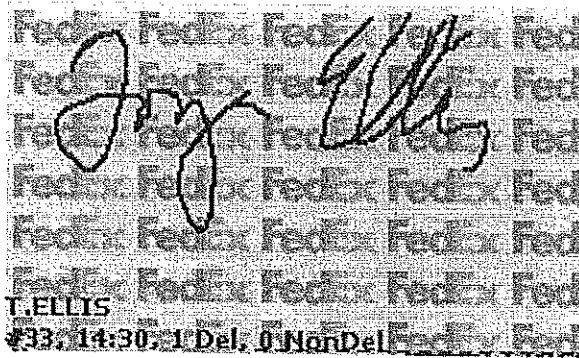
December 18, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number 292654310011004.

Delivery Information:

Status:	Delivered	Delivery location:	Boca Raton, FL
Signed for by:	TELLIS	Delivery date:	Mar 7, 2008 14:30
Service type:	Ground-Direct Signature Required-Domestic		



Shipping Information:

Tracking number:	292654310011004	Ship date:	Mar 3, 2008
		Weight:	19.2 lbs.
Recipient:	BOCA RATON, FL US	Shipper:	Torrance, CA US
Reference		Product for Return	

Thank you for choosing FedEx Ground.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339