

1 Maria Crimi Speth (012574)
JABURG & WILK, P.C.
 2 3200 N. Central Avenue, Suite 2000
 Phoenix, Arizona 85012
 3 mcs@jaburgwilk.com
 (602) 248-1000

4
 5 David S. Gingras (021097)
Gingras Law Office, PLLC
 4072 E Mountain Vista Dr.
 6 Phoenix, AZ 85048
 Tel.: (480) 668-3623
 7 David.Gingras@webmail.azbar.org

8 Attorneys for Plaintiffs

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

13 XCENTRIC VENTURES, LLC, an
 Arizona limited liability corporation, and
 14 JABURG & WILK, P.C., a professional
 corporation,

15 Plaintiffs,

16 v.

17 SHAWN RICHESON,

18 Defendant.

Case No.: 2:10-cv-1931-PHX-NVW

**MOTION FOR ORDER TO SHOW
 CAUSE RE: CONTEMPT**

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 20 Plaintiffs Xcentric Ventures, LLC and Jaburg & Wilk, P.C. (collectively,
 21 “Plaintiffs”) hereby move this Court for an Order that Defendant Shawn Richeson appear
 22 and show cause why he should not be held in contempt of Court for having failed to fully
 23 comply with the Temporary Restraining Order issued by this Court on September 9, 2010
 24 (the “TRO”). Despite acknowledging receipt of the TRO, Defendant Richeson has
 25 continued his pattern of harassment, extortion and defamation of Plaintiffs by sending an
 26 email to Channel Twelve News containing false and defamatory statements about Jaburg
 27 & Wilk. In addition, Richeson sent another email to Jaburg & Wilk for the purpose of
 28 attempting to force the law firm (and, notably, not the entity capable of performing the

1 action requested) to remove statements about Defendant Richeson from the Ripoff Report
2 website. Each email was sent in direct violation of the acknowledged TRO, and thus,
3 Defendant Richeson must be required to appear before this Court and show cause why he
4 should not be held in contempt.

5 **I. BACKGROUND FACTS**

6 As set forth in full in the Verified Complaint and Application for TRO, Defendant
7 Richeson has engaged in a pattern of harassment and attempted extortion of Plaintiffs for
8 a lengthy period of time, but to an escalating degree beginning on September 3, 2010 and
9 continuing without cessation over the Labor Day weekend.

10 On September 9, 2010, Plaintiffs requested, and received, an *ex parte* Temporary
11 Restraining Order against Defendant Richeson. (Doc. No. 11). The TRO specifically
12 found that Defendant Richeson had engaged in a pattern of harassing and extortive
13 activity against Plaintiffs, and required that Defendant Richeson cease his improper
14 actions, including, but not limited to, “knowingly sending or causing to be sent any
15 threatening communications (other than threats to engage in lawful activity) to Plaintiffs.”
16 *Id.* The Court set a hearing on Plaintiffs’ Application for Preliminary Injunction to occur
17 on September 21, 2010.

18 During the hearing on Plaintiffs’ Application for Preliminary Injunction, the Court
19 acknowledged that Defendant Richeson stipulated to the entry of a preliminary injunction.
20 The Court further directed Plaintiffs to narrow the language of the proposed preliminary
21 injunction and submit the narrowed language to the Court for entry as an order. The
22 Court additionally clarified for Defendant Richeson that the TRO remained in place until
23 such time that the Court entered the preliminary injunction. The Court specifically asked
24 Defendant Richeson if he understood the fact that the TRO was still in effect. Defendant
25 Richeson responded affirmatively that he understood everything and had anticipated such
26 a result.

1 **II. DEFENDANT RICHESON IS IN CIVIL CONTEMPT FOR THE**
2 **SEPTEMBER 26, 2010 EMAIL**

3 On September 26, 2010, Defendant Richeson sent an email to Channel 12 News.
4 *See* Email from Shawn Richeson to Channel 12 News, attached hereto as **Exhibit “A”**.
5 This email was sent in knowing violation of the TRO.

6 Nary a sentence within the email to Channel 12 News contains a wholly true
7 statement about Plaintiffs. Instead, the email is rife with false content that defames
8 Plaintiffs with the intent to destroy the reputation of Jaburg & Wilk within the Phoenix
9 community. Included within the email are the following false and preposterous
10 statements which were authored by Defendant Richeson:

11 (1) Jaburg and Wilk P.C. a local law firm that works in partnership with a
12 Phoenix website: www.ripoffreport.com has sued me in an attempt to cover
13 up the criminal acts of attorneys and clients at Jaburg and Wilk P.C.

14 (2) A Phoenix Federal Judge (Neil Wake) has found their claims to be merit
15 less

16 (3) Jaburg and Wilk P.C. run an online racketeering and protection scheme
17 through its client’s web site: www.RipoffReport.com

18 (4) If you are a client of Jaburg and Wilk P.C, you will never end up on their
19 web site and have essentially purchased mob style protection from Jaburg
20 and Wilk P.C.

21 (5) If you are not a client of Jaburg and Wilk P.C., you will be posted about
22 and extorted for money to remove the very postings they create or they have
23 their surrogates create and they will in turn cover up the posters identity

24 (6) It is believed that Ed Magedson is the front man for Jaburg and Wilk,
25 P.C. because he is judgment proof and a diversion of the truth about Jaburg
26 and Wilk P.C.’s real motive of selling their protection racket cloaked under
27 the guise of legal services.

28 (7) A local private detective has been investigating them for several years
and was sued by Jaburg and Wilk P.C. to silence him from exposing a
highly damaging video depicting 3rd party accounts of extortion and
racketeering believed to be committed at the hands of front man Ed
Magedson.

(8) Attorney’s using the judicial process in furtherance of a racketeering
enterprise

See Exhibit “A.” Also included with the email to Channel 12 News was Defendant
Richeson’s frivolous Motion for Sanctions, which itself contains additional false and

1 inflammatory statements about Plaintiffs¹. Each statement identified above, coupled with
2 the attached Motion for Sanctions, is a separate violation of the TRO.

3 Plaintiffs sought the TRO as a result of the multiple statements made by Defendant
4 Richeson to the effect that he would obliterate the business of Jaburg & Wilk. In
5 particular, Defendant Richeson made statements like he would “make sure Jaburg and
6 Wilk couldn’t get a client if they stood on the corner with sign saying ‘we sue for food;’”
7 that his “operation ‘ass slam jaburg and wilk’ will be a huge success;” and that he would
8 “cause as much grief, public scrutiny and loss of revenue as humanly possible to you and
9 the firm of Jaburg and Wilk.” (Doc. No. 8). Defendant Richeson’s email to Channel 12
10 News demonstrates Defendant Richeson’s intent to follow through with his prior threats
11 despite the injunction. The email was sent by Defendant Richeson for the sole purpose of
12 disrupting and otherwise destroying the business of Plaintiffs. The story spun by
13 Defendant Richeson and presented to Channel 12 News is preposterous, yet consistent
14 with the escalating fanciful message about Plaintiffs which Defendant Richeson has been
15 propagating. By sending this email, Defendant Richeson (1) knowingly published a false
16 and misleading communication about Plaintiffs; and (2) intentionally interfered with the
17 contractual relationship between Plaintiffs and their clients, each of which is in direct
18 violation of the TRO. Additionally, this form of communication – making false
19 statements to a news agency – is a continuation of Defendant Richeson’s harassment of
20 Plaintiffs.

21 **III. DEFENDANT RICHESON IS IN CIVIL CONTEMPT FOR THE** 22 **SEPTEMBER 10, 2010 EMAIL**

23 On Friday, September 10, 2010, counsel for Plaintiffs engaged in a series of
24 correspondence with Defendant Richeson. This correspondence included providing
25 Defendant Richeson with two separate copies of the TRO, as well as electronic copies of
26 all other pleadings that have been filed in the short tenure of this litigation. Defendant
27 Richeson acknowledged receipt of the TRO by email on September 10th, stating that he

28 ¹ If Richeson actually files the motion, Plaintiffs will address the impropriety of the Motion for Sanctions by a separate pleading.

1 “opened” the TRO, as well as the Application for TRO and Verified Complaint (among
2 other pleadings). See Email from Shawn Richeson to Maria Speth, attached hereto as
3 **Exhibit “B”**.

4 On September 12, 2010, Defendant Richeson knowingly and directly violated the
5 TRO by sending a threatening communication to Plaintiffs. See Email from Shawn
6 Richeson to Maria Speth plus attachment, attached hereto as **Exhibit “C”**. The email was
7 blind copied to almost every attorney who works at Jaburg & Wilk. It was also copied to
8 an attorney who is adverse to Xcentric in an unrelated case and to a party who is adverse
9 to Xcentric in an unrelated case. While a portion of Defendant Richeson’s email could
10 possibly, if taken in the most liberal sense, be construed as a “threat to engage in lawful
11 activity,” the remainder of Defendant Richeson’s communication falls directly within the
12 category of activity which he has specifically been enjoined from participating in pursuant
13 to the TRO. In particular, Defendant Richeson falsely stated that Ms. Speth “posted my
14 criminal record on US News” in an attempt to threaten Plaintiffs into acceding to his
15 demands. *Id.* With his email, Defendant Richeson attached what he referred to as
16 “Defendants response” to the Verified Complaint. *Id.* This so-called “response” contains
17 a wide variety of false, unsupportable, and highly inflammatory statements about
18 Plaintiffs, made solely for the purpose of further defaming Plaintiffs in the public record
19 and in the eyes of this Court. While there can be no doubt that Defendant Richeson is
20 entitled to file an Answer to the Verified Complaint, he may not pepper this document
21 with false and defamatory statements about Plaintiffs. Such statements have no place in
22 the public record, let alone in a pleading with this Court. It is clear that Defendant
23 Richeson has made these false statements and has threatened to file these false statements
24 with the Court for the sole purpose of threatening and coercing Jaburg & Wilk to put
25 pressure on Xcentric to remove certain statements from the Ripoff Report website. In
26 fact, Defendant Richeson says as much in his email, stating:

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I have not filed this yet.

I will give you and your firm one more chance to walk away from this without a blood bath.

- 1) Remove my name from every posting on your web site
- 2) Remove the phrase Click a Nerd, ClickaNerd.com and Shawn Richeson

See Exhibit “C.” Defendant Richeson then continued to threaten to put Jaburg & Wilk out of business by virtue of the false statements contained within the “response,” threatening “When all of your enemies see this and your entire client base finds out what you did, you will lose and lose bad. Gary won’t fire you; he will throw you under the bus.” *Id.* His threat did not include a threat to engage in lawful activity, but rather, to file a false and frivolous pleading with the Court for the purpose of creating a public court record of his defamatory statements about Plaintiffs. Each of these statements and threatened activities contained within the September 12, 2010 email from Defendant Richeson has been made in direct violation of the TRO. Defendant Richeson knowingly sent this threatening communication to Plaintiffs.

By the September 12, 2010 email, Defendant Richeson also violated the TRO because he caused to be published a false and misleading communication about Plaintiffs. In fact, Defendant Richeson did go through with his threat, and file the proposed “response” with the Court on September 15, 2010. (Doc. No. 15). This filing as well, despite Defendant Richeson’s misplaced belief that simply filing a pleading with the Court makes his action “lawful,” is again in direct violation of the TRO because it is rife with false and defamatory statements about Plaintiffs published for the purpose of harassing and otherwise damaging the business and reputation of Plaintiffs and, in particular, Jaburg & Wilk.

IV. REASONABLE DAMAGES FOR DEFENDANT RICHESON’S CIVIL CONTEMPT IS PAYMENT OF PLAINTIFFS’ ATTORNEYS’ FEES

This Court has the power to adjudge in civil contempt any person who willfully disobeys a specific and definite order of the Court. *Shuffler v. Heritage Bank*, 720 F.2d

1 1141, 1146 (9th Cir.1983). There can be no question that Defendant Richeson has
2 willfully disobeyed, on numerous occasions, the TRO, and therefore, should be
3 adjudicated as being in civil contempt. “To distinguish criminal from civil contempt it is
4 necessary to determine the nature and purpose of the sanction sought and imposed.”
5 *United States v. Asay*, 614 F.2d 655, 659 (9th Cir. 1980). This is especially true where, as
6 here, the contumacious act may be either criminal or civil. *Id.* (citing *In re Stewart*, 571
7 F.2d 958 (5th Cir. 1978); *Latrobe v. United Steelworkers*, 545 F.2d 1336 (3d Cir. 1976);
8 and *Shakman v. Democratic Organization of Cook County*, 533 F.2d 344 (7th Cir. 1976),
9 cert. denied sub nom. *Chicago v. Shakman*, 429 U.S. 858, 97 S.Ct. 156, 50 L.Ed.2d 135).

10 “In a civil contempt proceeding, the contempt must be proved by clear and
11 convincing evidence.” *Vertex Distrib., Inc. v. Falcon Foam Plastics, Inc.*, 689 F.2d 885
12 (9th Cir.1982). “Civil contempt in this context consists of a party’s disobedience to a
13 specific and definite court order by failure to take all reasonable steps within the party’s
14 power to comply.” *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d
15 693, 695 (9th Cir.1993). The contempt “ ‘need not be willful,’ ” *id.* (quoting *In re Crystal*
16 *Palace Gambling Hall, Inc.*, 817 F.2d 1361, 1365 (9th Cir.1987)); however, a person
17 should not be held in contempt if his action “appears to be based on a good faith and
18 reasonable interpretation of the court’s order.” *Id.* (internal quotations and citations
19 omitted).

20 The amount of a compensatory contempt fine is in the discretion of the court. *U. S.*
21 *v. United Mine Workers*, 330 U.S. 258, 304, 67 S.Ct. 677, 701, 91 L.Ed. 884 (1947).
22 Sanctions for civil contempt may be imposed to compensate the party pursuing the
23 contempt action for injuries resulting from the contemptuous behavior. *Id.*; *Perry v.*
24 *O’Donnell*, 759 F.2d 702, 705 (9th Cir. 1985). The court’s opinion in *Alyeska Pipeline*
25 *Service Co. v. Wilderness Society*, 421 U.S. 240, 247, 95 S.Ct. 1612, 1616, 44 L.Ed.2d 141
26 (1975) states that, in civil contempt actions, “a court may assess attorneys’ fees ... ‘as part
27 of the fine to be levied on the defendant.’ ” 421 U.S. at 258, 95 S.Ct. at 1622 (quoting
28 *Fleischmann Distilling Corp. v. Maeir Brewing Co.*, 386 U.S. 714, 718, 87 S.Ct. 1404,

1 1407, 18 L.Ed.2d 475 (1967)). Plaintiffs are requesting that, in the event the Court finds
2 Defendant Richeson in contempt, they be awarded, at a minimum, their reasonable
3 attorneys' fees incurred as a result of Defendant Richeson's actions.

4 **V. CONCLUSION**

5 In view of Defendant Richeson's actions in violation of the TRO, it is appropriate
6 for the Court to order him to appear and show cause why an order of civil contempt should
7 not be issued against Defendant Richeson and to award Plaintiffs their reasonable damages
8 proximately caused by Defendant Richeson's contempt of court.

9 DATED this 29th day of September, 2010.

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

12
13 s/Maria Crimi Speth
14 Maria Crimi Speth
15 David S. Gingras
16 Attorneys for Plaintiffs

17 *Certificate of Service*

18 I hereby certify that on the 29th day of September, 2010, I electronically transmitted the
19 attached document to the Clerk's Office using the CM/ECF System for filing.

20 I have also caused to be delivered to Defendant, who is not registered with the CM/ECF
21 System, a copy of the attached document by First Class Mail and E-Mail:

22 Shawn Richeson
23 1906 Twilight Drive
24 Killeen, Texas 76543
25 Shawn@ClickaNerd.com
26 Defendant Pro Per

27 s/Debra Gower

EXHIBIT A

Maria Crimi Speth

From: Shawn - Field Manager [Shawn@ClickaNerd.com]
Sent: Sunday, September 26, 2010 11:23 AM
To: connect@12news.com
Cc: Maria Crimi Speth; Mervyn T. Braude; Beth S. Cohn; Laurence B. Hirsch; Jonathan P. Ibsen; Adam S. Kunz; Kraig J. Marton; Laura A. Rogal; Sharon R. Sprague; Nikki A. Wilk; Mark D. Bogard; Kelly A. Brown; David N. Farren; David N. Farren; Amy M. Horwitz; Gary J. Jaburg; Michelle C. Lombino; Mitch Reichman; Kathi M. Sandweiss; Susan E. Wells; Neal H. Bookspan; Roger L. Cohen; Lauren L. Garner; Valerie L. Marciano; Larry E. Wilk
Subject: 12News.com - Jaburg & Wilk P.C. - Racketeering Enterprise ?
Attachments: Microsoft Word - 1-DEFENDANTS-MOTION-FOR-SANCTIONS.pdf



Microsoft Word -
1-DEFENDANTS-...

Good Morning 12 News,

I think this case is news worthy in Phoenix and would be very interesting to your followers.

Jaburg and Wilk P.C. a local law firm that works in partnership with a Phoenix website: www.ripoffreport.com has sued me in an attempt to cover up the criminal acts of attorneys and clients at Jaburg and Wilk P.C.

A Phoenix Federal Judge (Neil Wake) has found their claims to be merit less, but the news worthy part of this story is the following:

- 1) Jaburg and Wilk P.C. run an online racketeering and protection scheme through its client's web site: www.RipoffReport.com
- 2) If you are a client of Jaburg and Wilk P.C, you will never end up on their web site and have essentially purchased mob style protection from Jaburg and Wilk P.C.
- 3) If you are not a client of Jaburg and Wilk P.C., you will be posted about and extorted for money to remove the very postings they create or they have their surrogates create and they will in turn cover up the posters identity and claim they are immune from prosecution under the communications decency act section 230.

Ed Magedson has been sued countless times in many State and Federal Courts all over the USA.

It is believed that Ed Magedson is the front man for Jaburg and Wilk, P.C. because he is judgment proof and a diversion of the truth about Jaburg and Wilk P.C.'s real motive of selling their protection racket cloaked under the guise of legal services.

A local private detective has been investigating them for several years and was sued by Jaburg and Wilk P.C. to silence him from exposing a highly damaging video depicting 3rd party accounts of extortion and racketeering believed to be committed at the hands of front man Ed Magedson.

Attorney's using the judicial process in furtherance of a racketeering enterprise is the real news worthy story.

I have attached my motion for sanctions against Jaburg and Wilk P.C. and its top Attorney Maria Crimi Speth.

All of the pleadings and documents are available on pacer for your review.

Maria Speth is lead Counsel for the Plaintiff Jaburg and Wilk P.C. and may be reached at:
mcs@jaburgwilk.com
(602) 787-9171 - Home
(602) 248-1000 - Office

Ed Magedson is the registered contact for the Web site RipoffReport.com and may Be reached at:
Editor@RipoffReport.com

Shawn Richeson is the Pro. Se. Defendant in this cause of action and may be reached via email at:
Shawn@ClickaNerd.com
(202) 657-5075.

The local detective is John Brewington and he may be reached at:
paladin@paladinpi.com
(602) 438-6033

If you have an interest in this story, please feel free to call me or email me any time.

Shawn Richeson
President and Founder
ClickaNerd.com

9/26/2010 12:55:PM

2) Adam Kunz testified that neither Plaintiff would ever be able to meet its Burdon of proof of this Court's minimal jurisdiction of \$75,000.00.

If this Court were to allow parties and Attorneys to file frivolous damage claims and causes of action without a balancing mechanism like Rule 11(C) sanctions, the Court system would be inundated with fake claims and opportunistic Attorneys and would subsequently grind to a halt.

The fake intentional torts claimed by Maria Speth in her pleadings were never actionable and she knew this fact before filing her suit.

Richeson posted the criminal records of Jaburg and Wilk - Attorney - David Gingras on a blog.

Richeson threatened to post the criminal records of other Jaburg and Wilk Attorneys, paralegals and clients on a blog.

Maria Speth, David Gingras and Edward Magedson all post inflammatory things on a blog, attempt to extort money and cloak it all under section 230 of the CDA.

Under no plausible legal theory could Maria Crimi Speth build or prove a cause of action for slander, libel or assault.

David S. Gingras was in fact charged by the State of Arizona with multiple counts of a sexual offence.

The court has available a variety of possible sanctions to impose for violations, such as striking the offending paper; issuing an admonition, reprimand, or censure; requiring participation in seminars or other educational programs; ordering a fine payable to the court; referring the matter to disciplinary authorities (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head), etc. See Manual for Complex Litigation, Second, § 42.3.

The amended Rule 11(c) now authorizes sanctions to be imposed on law firms, as well as the particular attorney who signs the offending pleading.

More specifically, Rule 11(c)(1)(A) goes on to provide that "Absent exceptional circumstances, a law firm shall

be held jointly responsible for violations committed by its partners, associates, and employees."

Rule 11 sanctions are properly assessed "(1) when a party files a pleading that has no reasonable factual basis; (2) when the party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; or (3) when the party files a pleading in bad faith for an improper purpose." *Worldwide Primates, Inc. v. McGreal*, 87 F.3d 1252, 1254 (11th Cir. 1996). "[T]he selection of the type of sanction to be imposed lies within the district court's sound exercise of discretion." *Donaldson v. Clark*, 819 F.2d 1551, 1557 (11th Cir. 1987) (en banc).

In this instance a fine payable to this Court and striking the Plaintiff's Pleadings "with prejudice" is both just and appropriate.

Wherefore the Defendant respectfully prays that this Court sanction Maria Crimi Speth and the law firm of Jaburg and Wilk P.C. with a monetary fine and strike the Plaintiff's pleadings with prejudice.

Respectfully submitted to this honorable Court this Sunday
the 26th day of September 2010.

Defendant, Pro. Se.

Shawn A. Richeson
1906 Twilight Drive
Killeen, Texas 76543
Shawn@ClickaNerd.com

CERTIFICATE OF SERVICE

I, Shawn A. Richeson do hereby certify that a true and correct copy of this Defendant's motion for sanctions was served upon all parties and attorneys this Sunday the 26th day of September 2010.

Shawn A. Richeson

TO: United States District Clerk
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street
Phoenix, AZ 85003

Please file this in cause of action *10-1931 PHX NVW*

EXHIBIT B

Maria Crimi Speth

From: Shawn - Field Manager [Shawn@ClickaNerd.com]
Sent: Friday, September 10, 2010 4:51 PM
To: Maria Crimi Speth
Cc: Legal@DanCorbin.com; lgreenwood@satx.rr.com; editor@ripoffreport.com
Subject: RE: Bad .pdf

Dear Maria:

All of the .pdf files did come through this time.
I have opened the following:

- 1) Temporary Restraining Order.pdf
- 2) Emergency Motion To Seal without notice
- 3) Order Emergency Motion To Seal without notice
- 4) Emergency Application for TRO
- 5) Verified Complaint
- 6) Declaration of Maria Crimi Speth

I will be representing myself pro se and I do not have any problems with the jurisdiction in the Arizona Federal Court, nor will I be challenging it.

I may be exchanging documents with Attorneys and other friends of mine in the legal profession, but please do not interpret that as I am represented by any of them.

Let's stipulate to the following right up front.

- 1) All proceedings up to and including final trial will remain unsealed and no party will move to seal any thing for any reason.
- 2) All parties to be added to this suit - to include, Ed Magedson individually, Gary Jaburg individually, Maria Speth individually - may in fact be served via the address 3200 N. Central Avenue Suite 2000 Phoenix, AZ 85012.
- 3) All discovery may be reduced to .pdf form and emailed.

If you are in agreement with these stipulations or have any objections, please let me know via this email thread.

I look forward to finally getting this matter in front of a Jury. I would have hoped it was a Texas Jury, but an Arizona Jury will probably conclude the same way.

Take Care
Shawn Richeson
9/10/2010 6:49:PM CST

From: Maria Crimi Speth [mailto:mcs@jaburgwilk.com]
Sent: Friday, September 10, 2010 5:48:PM
To: Shawn - Field Manager
Subject: RE: Bad .pdf

Dear Shawn:

I don't know what you mean by "just broad stroke the content of the purported order." It is not a purported

9/29/2010

order, it is a signed order. Also, I previously provided you with the content of the Order, and I am repeating that entire email below.

I am also attaching all of the documents that were filed. They were not filed in the state court, they were filed in the federal court. The reason you are not finding it on Pacer is that the case is sealed. It will be unsealed as soon as we file a notice with the Court.

The Court has jurisdiction over you in this matter because you caused harm in Arizona. The Ninth Circuit, which is binding precedent for the Arizona Court, has stated that there is jurisdiction if, the defendant "(1) committed an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum state." *Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d 1199, 1206 (9th Cir.2006).

And here, once again, is the text of my earlier email:

Attached is a Temporary Restraining Order issued by the United States District Court for the District of Arizona. This Order prohibits you from sending or causing to be sent any threatening communications (other than threats to engage in lawful activity) to Xcentric or Jaburg & Wilk or their clients or potential clients. It also prohibits you from publishing or causing to be published any false or misleading communications about Xcentric or Jaburg & Wilk or any of their clients or potential clients. Finally, it prohibits you from intentionally interfering with the contractual relationship between Xcentric or Jaburg & Wilk and their clients.

This Order requires you to notify your agents, servants, employees and other persons who are in active concert or participation with you of this order and to provide a copy to those persons. You must file a notice by September 17, 2010 with the court confirming that you have done so.

This Order does apply to your agents, servants, employees and other persons who are in active concert or participation with you. Thus, if a new post appears in violation of this Order, we will seek an order of contempt against you.

This temporary Order is in place until the hearing which will be conducted on September 21, 2010 at 1:30 p.m. You have been ordered to appear for that hearing. That hearing will be your opportunity to try to convince the Court that this Temporary Restraining Order should not be extended and become a preliminary injunction.

Your compliance with this Order is mandatory and your violation will result in a finding of contempt of court which can be punishable by incarceration.

In addition to attaching the Order, below is a full recitation of the Order.

Before this Court is the Application of Plaintiffs Xcentric Ventures, LLC, an Arizona limited liability company ("Xcentric") and Jaburg & Wilk, P.C. ("Jaburg & Wilk"), an Arizona professional corporation, for the entry of a Temporary Restraining Order (Part of Doc. 7) and Preliminary Injunction. The Court having considered the Application and pleadings on file with the Court, and being otherwise advised, **FINDS** that:

- (1) Defendant Shawn Richeson has engaged, and continues to engage in,

harassment and threats against Plaintiffs;

- (2) Defendant Shawn Richeson has engaged and continues to engage in harassment and threats against Plaintiffs' business associates, clients, and potential clients, and, specifically, having threatened that if Xcentric did not remove or redact certain information from the Ripoff Report website, he would put Jaburg & Wilk out of business;
- (3) Defendant Shawn Richeson has also threatened harm to Jaburg & Wilk's relationship with its clients other than Xcentric;
- (4) Defendant Shawn Richeson has engaged and continues to engage in harassment and threats against Plaintiffs, and, specifically, having threatened that Plaintiffs would end up having to engage in an expensive "SEO war";
- (5) Defendant Shawn Richeson has authored and published false and defamatory statements on multiple public websites about Jaburg & Wilk, falsely implying that (a) it hires child molesters as attorneys, and (b) it is unethical because it is the owner of the Ripoff Report website;
- (6) Defendant Shawn Richeson has engaged in a pattern of unlawful activity by engaging in two or more acts of extortion;
- (7) Pursuant to A.R.S. § 12-1809(E), there is reasonable evidence of harassment of the Plaintiffs by Defendant Richeson;
- (8) Absent a court order, this conduct will continue;
- (9) There is a strong likelihood of success on the merits;
- (10) There is a likelihood of irreparable injury to Plaintiffs if this Order is not entered;
- (11) A balance of hardships strongly favors Plaintiffs; and
- (12) Public policy favors the injunction.

IT IS THEREFORE ORDERED that the Application for Temporary Restraining Order is **GRANTED** and Defendant Richeson and his agents, servants, employees, and other persons who are in active concert or participation with them are temporarily enjoined from:

- (1) Knowingly sending or causing to be sent any threatening communications (other than threats to engage in lawful activity) to Plaintiffs;
- (2) Knowingly sending or causing to be sent any threatening communications (other than threats to engage in lawful activity) to clients and/or potential clients of Plaintiffs;
- (3) Knowingly publishing or causing to be published any false or misleading communications about Plaintiffs and/or any clients and/or potential clients of Plaintiffs;
- (4) Intentionally interfering with the contractual relationship between Plaintiffs and their clients;

IT IS FURTHER ORDERED that Defendant Richeson shall take affirmative steps to ensure that his agents, servants, employees, and other persons who are in active concert or participation with them receive a copy of this temporary restraining order and are appropriately advised of its terms and conditions, and shall file an advice or certification of counsel or other appropriate notice with the Court confirming that this has been completed by September 17, 2010.

IT IS FURTHER ORDERED that Defendant Richeson shall not delete or destroy any evidence, including but not limited to computer reproduced or saved data or any other form of evidence pertaining to Xcentric, Jaburg & Wilk, or any of their employees or associates.

IT IS FURTHER ORDERED that this Order shall become effective upon Plaintiffs' posting of security in the amount of \$100.00 pursuant to Rule 65(c), Fed.R.Civ.P.

IT IS FURTHER ORDERED that this Order shall expire on September 22, 2010, at 5:00 p.m. unless the Order, for good cause shown, is extended, or unless the Parties consent to the Order being extended for a longer period.

IT IS FURTHER ORDERED that Defendant Richeson appear before the Court on September 21, 2010, at 1:30 p.m. before Judge Wake and show cause why a preliminary injunction should not issue extending during the pendency of this action the temporary orders set forth above and adding additional relief as sought in Plaintiffs' Application for

Preliminary Injunction.

IT IS FURTHER ORDERED that Plaintiffs will provide a copy of this order to Defendant Richeson as soon as possible but no later than 5:00 p.m., Monday, September 13, 2010, and Plaintiffs shall file a notice with the Court advising how and when notice of this Order was given to Defendant. Upon Plaintiffs' filing notice that Defendant has been given a copy of this Order, the Clerk of the Court shall unseal this entire case.

DATED: September 9, 2010, at 2:39 p.m.

s/James A. Teilborg
Honorable James A. Teilborg
United States District Judge

Maria Crimi Speth, Esq.
Jaburg & Wilk, P.C.
3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

602-248-1089
602-248-0522 (fax)

www.jaburgwilk.com

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From: Shawn - Field Manager [mailto:Shawn@ClickaNerd.com]
Sent: Friday, September 10, 2010 3:03 PM
To: Maria Crimi Speth; editor@ripoffreport.com
Cc: Legal@DanCorbin.com; Maria Crimi Speth; David L. Allen; Mervyn T. Braude; Beth S. Cohn; Laurence B. Hirsch; Jonathan P. Ibsen; Adam S. Kunz; Kraig J. Marton; Laura A. Rogal; Sharon R. Sprague; Nikki A. Wilk; Mark D. Bogard; Kelly A. Brown; David N. Farren; David N. Farren; Amy M. Horwitz; Gary J. Jaburg; Michelle C. Lombino; Mitch Reichman; Kathi M. Sandweiss; Susan E. Wells; Neal H. Bookspan; Roger L. Cohen; Lauren L. Garner; Valerie L. Marciano; Larry E. Wilk
Subject: RE: Bad .pdf

Just broad stroke the content of the purported order.

We had negotiated an agreement from last weekend, but if you have added more terms to our agreement, then we have no agreement.

9/29/2010

If you have filed anything in an Arizona State district Court, then you and I both know that the Court cannot assert any jurisdiction over my person.

I just checked pacer and I do not see any filing in any Federal Court.

As such, if you renege on our existing agreement from Saturday 4 September 2010 than you may want to rent an apartment in Belton Texas.

Have a great weekend!
Shawn

From: Maria Crimi Speth [mailto:mcs@jaburgwilk.com]
Sent: Friday, September 10, 2010 3:34:PM
To: Shawn - Field Manager
Subject: RE: Bad .pdf

Shawn:

I thought you might pretend to not be able to open the attachment, so I included the entire content of the order in the email that you received. The Judge did not require us to serve the order by a process server, only that you receive notice. You are bound by the Order effective 10:16 am Arizona time, today.

We will be serving the complaint and other pleadings via a process server, but the Order is already in effect.

Maria Crimi Speth, Esq.
Jaburg & Wilk, P.C.
3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

602-248-1089
602-248-0522 (fax)

www.jaburgwilk.com

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From: Shawn - Field Manager [mailto:Shawn@ClickaNerd.com]
Sent: Friday, September 10, 2010 12:17 PM
To: Maria Crimi Speth; Legal@DanCorbin.com
Subject: Bad .pdf

Dear Mrs. Speth:

If you have legal documents that you wish to serve upon me, please use a process server or the Bell County Sheriff's Office or Federal Marshals.

I was unable to read the attached .pdf file in your previous email.

If you are filing in Federal Court or Arizona District Court, please

9/29/2010

Service me at this address:

Shawn Richeson
1906 Twilight Drive
Killeen, Texas 76543

Respectfully,
Shawn Richeson
9/10/2010 2:12:PM

LEGAL NOTICE:

This communication, together with any attachments hereto or links contained herein, is covered by the Electronics Privacy Act, 18 U.S.C. Sections 2510-2521, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify ClickaNerd immediately by return e-mail message or telephone call to (202) 657-5075. Thereafter, delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

EXHIBIT C

Maria Crimi Speth

From: Shawn - Field Manager [Shawn@ClickaNerd.com]
Sent: Sunday, September 12, 2010 9:34 AM
To: Maria Crimi Speth; Legal@DanCorbin.com; Legal@DanCorbin.com; jws@jerryscarbrough.org
Cc: kjh@hutchersonlaw.com; paladin@paladinpi.com
Subject: JaburgWilk v Richeson - United State District Court (Arizona)
Attachments: 1-DEFENDANTS-ANSWER-TO-COMPLAINT.pdf

Dear Mrs. Speth,

On Monday March 29th 2010 when we met during my deposition in Killeen Texas, I took the time to explain to what you and your firm is doing to American Business.

I pleaded with you to quit running an online extortion scheme and start building friends.

You then posted my criminal record on US News.

Did you honestly think I was going to bend over and take one up the ass?

Attached is the Defendants response to your complaint.

I have not filed this yet.

I will give you and your firm one more chance to walk away from this without a blood bath.

- 1) Remove my name from every posting on your web site
- 2) Remove the phrase Click a Nerd, ClickaNerd.com and Shawn Richeson

Monday Morning I will file my response.

When all of your enemies see this and your entire client base finds out what you did, you will lose and lose bad.

Gary won't fire you; he will throw you under the bus.

Last Chance,
Shawn

9/12/2010 11:33:AM

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9/29/2010

I. FACTUAL BACKGROUND

The Plaintiff Jaburg and Wilk, P.C. in partnership with Plaintiff Xcentric Ventures, LLC. own and operate an online commercial extortion and racketeering enterprise known as: www.RipoffReport.com

Since September of 2004 and up until the date of the filing of this cause of action, Maria Crimi Speth and Ed Magedson have engaged in a conspiracy to tortuously interfere with Richeson's clients and both had attempted to extort monies from Richeson.

What Ed Magedson and Maria Crimi Speth do is author, manipulate and falsify postings on their web site: www.RipoffReport.com.

After creating substantial damage, they then direct you to their "Corporate Advocacy Program" aka "Commercial Extortion Program", whereas you are required to pay monies to them for altering the postings and minimizing the damage they themselves have caused.

If you don't pay them extortion demands, they deliberately interfere with your business relationships and attempt to destroy them until you do pay.

Maria Speth and Ed Magedson are criminals and nothing more and Shawn Richeson has had all he can take.

The Defendant Shawn Richeson now addresses and responds to the Plaintiff's 128 paragraph verified complaint:

Paragraph-1 (admit)

Paragraph-2 (admit)

Paragraph-3 (admit)

Paragraph-4 (deny)

Paragraph-5 (admit)

Paragraph-6 (deny)

Paragraph-7 (deny)

Paragraph-8 (admit)

Paragraph-9 (admit)

Paragraph-10 (admit)

Paragraph-11 (admit)

Paragraph-12 (admit)

Paragraph-13 (deny)

Paragraph-14 (admit)

Paragraph-15 (admit)

Paragraph-16 (deny)

Paragraph-17 (admit)

Paragraph-18 (admit)

Paragraph-19 (admit)

Paragraph-20 (admit)

Paragraph-21 (admit)

Paragraph-22 (admit)

Paragraph-23 (admit however prima facie evidence exists to support the fact that Ed Magedson and Maria Speth have both authored manipulated and submitted those reports to search engines to increase the damage they cause)

Paragraph-24 (admit)

Paragraph-25 (deny)

Paragraph-26 (deny)

Paragraph-27 (admit)

Paragraph-28 (deny)

Paragraph-29 (deny)

Paragraph-30 (admit)

Paragraph-31 (deny)

Paragraph-32 (admit)

Paragraph-33 (deny)

Paragraph-34 (admit)

Paragraph-35 (admit)
Paragraph-36 (admit)
Paragraph-36 (deny)
Paragraph-37 (deny)
Paragraph-38 (deny)
Paragraph-39 (admit)
Paragraph-40 (deny)
Paragraph-41 (deny)
Paragraph-42 (admit)
Paragraph-43 (admit)
Paragraph-44 (admit)
Paragraph-45 (deny)
Paragraph-46 (admit)
Paragraph-47 (deny)
Paragraph-48 (deny)
Paragraph-49 (Deny, the Defendant never attempted to extort anything from the Plaintiff's.)
Paragraph-50 (admit)
Paragraph-51 (admit)
Paragraph-52 (deny)
Paragraph-53 (deny)
Paragraph-54 (deny)
Paragraph-55 (deny)
Paragraph-56 (admit)

Paragraph-57 (admit)
Paragraph-58 (admit)
Paragraph-59 (admit)
Paragraph-60 (admit)
Paragraph-61 (admit)
Paragraph-62 (admit)
Paragraph-63 (admit)
Paragraph-64 (deny)
Paragraph-65 (deny)
Paragraph-66 (admit)
Paragraph-67 (admit)
Paragraph-68 (can't admit or deny)
Paragraph-69 (admit)
Paragraph-70 (admit)
Paragraph-71 (admit)
Paragraph-72 (admit)
Paragraph-73 (deny)
Paragraph-74 (admit)
Paragraph-75 (admit)
Paragraph-76 (admit)
Paragraph-77 (admit)
Paragraph-78 (admit)
Paragraph-79 (admit)
Paragraph-80 (admit)

Paragraph-81 (admit)
Paragraph-82 (admit)
Paragraph-83 (admit)
Paragraph-84 (deny)
Paragraph-85 (admit)
Paragraph-86 (deny)
Paragraph-87 (admit)
Paragraph-88 (admit)
Paragraph-89 (admit)
Paragraph-90 (admit)
Paragraph-91 (deny)
Paragraph-92 - 97 (deny)
Paragraph-98 - 109 (deny)
Paragraph-110 - 115 (deny)
Paragraph-116 - 128 (deny)

The Defendant affirmatively pleads that the Plaintiff's are barred from any and all of its claims under the doctrine of unclean hands.

One who seek equity must do equity and must come to court with clean hands. See *Dunnagan v. Watson*, 204 S.W.3d 30, 41 (Tex.App.- Fort Worth 2006, pet. denied); *Flores v. Flores*, 116 S.W.3d 870, 876 (Tex.App.- Corpus Christi 2003, no pet.). Whether equitable relief should be denied based on unclean hands is left to the discretion of the trial court. *Dunnagan*, 204 S.W.3d at 41; *Flores*, 116 S. W.3d at 876.

Mrs. Speth Obtained the criminal record of Shawn Richeson from Scott Lorenz a local private investigator and Bell County Texas resident.

Maria Speth authored a posting and put it on US NEWS a very public web site.

The URL of that posting may be found at:

<http://money.usnews.com/money/personal-finance/articles/2009/03/10/5-scams-you-might-be-falling-for.html>

The Defendant, Shawn Richeson had contacted Kimberly Palmer, US News Reporter and her Attorney and subsequently had Shawn Richeson's criminal record removed from the aforesaid posting.

As one would imagine, this caused a great deal of embarrassment and personal turmoil to the Defendant Shawn Richeson.

Shawn Richeson did then threaten Maria Speth that if she did not remove any and all postings from her web site www.RipoffReport.com, that Shawn Richeson would begin

finding criminal records of the Attorneys and clients of Jaburg and Wilk and begin posting those online.

These facts are not in dispute and will be the basis of the Defendant's motion for summary judgment.

The Defendant did then find a Maricopa county criminal record of David Gingras, a Jaburg and wilk Attorney and subsequently posted it online.

Then, Maria Speth pulled all of the Richeson postings off of her web site www.RipoffReport.com.

Days later, Mrs. Speth allowed her ego to interfere with logic and subsequently files a Federal law suit and develops a fraudulent damage assessment in an attempt to get over the \$75K threshold.

No provable damages will be possible to sustain the Plaintiff's burden of proof. The criminal record of Attorney, David Gingras was in fact true, thus the libel and slander claims are without merit as well.

Shawn Richeson is clearly guilty of being crazy enough to take on an enormous law firm in its own State and nothing more.

**II. DEFENDANT'S MOTION
TO CONVERT PLAINTIFF'S TRO IN TO
A JOINT TEMPORARY INJUNCTION**

The Defendant does hereby stipulate to the Plaintiff's pending application and motion for a temporary injunction during the advancement of this cause of action.

The Defendant respectfully makes his appearance for the scheduled hearing set for Tuesday September 21st 2010.

The Defendant respectfully asks that in compliance with FRCP 65(d) that this Court enter a temporary injunction prohibiting all parties, attorneys, associated entities and all those that act in concert with them from publishing, maintaining, displaying in live web form or Google cache content on any web site, blog, interactive BBS or any other digital forum; any information whatsoever about the Plaintiff and or the Plaintiff's businesses, The Defendant and or the Defendant's businesses and or any of either parties clients or customers.

An injunction with this type of restrictive nature is essential in this cause of action.

Ed Magedson and Maria Speth control the content that is published at www.RipoffReport.com.

Whenever a law suite is filed, Maria Speth and Ed Magedson begin posting, manipulating and spinning the facts of the case and use the power of their web site to harm.

In the recent months, Maria Speth and Ed Magedson paid a private investigator in Killeen Texas to obtain the criminal record of Shawn Richeson.

They then posted a blog on their web site about Shawn Richeson because Mr. Richeson would not testify in a case against John Brewington an Arizona resident that acquired a damaging video tape about the Plaintiff's.

Maria Speth indicates in the Plaintiff's Verified Complaint that her web Site www.RipoffReport.com does in fact have over 635,000 reports and has tremendous ranking

power on Google and Yahoo with an alexa.com ranking of 1,131.

This sort of ranking power gives the Plaintiff a tremendous advantage to poison the jury pool.

Out of abundance of caution and to preserve the status quo, the Defendant respectfully asks that the Plaintiff be ordered to remove any and all reports, postings, comments etc. from www.RipoffReport.com that contain the phrase Shawn Richeson, ClickaNerd, Click a Nerd and ClickaNerd.com.

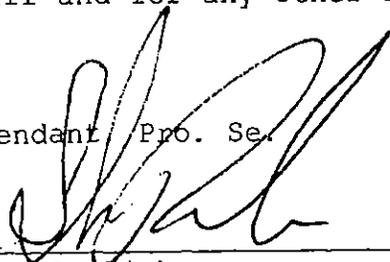
III. JURY DEMAND

The Defendant respectfully asks for a trial by Jury and that this case is set for Jury Trial at the earliest possible date.

IV. PRAYER

The Defendant prays that the Plaintiff take nothing by this suit and that all costs of Court, Attorneys fees, and reasonable and necessary expenses are taxed against the Plaintiff and for any other remedy both equitable and just.

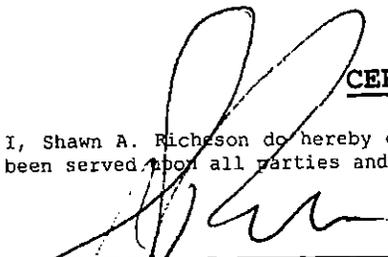
Defendant Pro. Se.



Shawn A. Richeson
1906 Twilight Drive
Killeen, Texas 76543
(254) 291-4696 - Cell

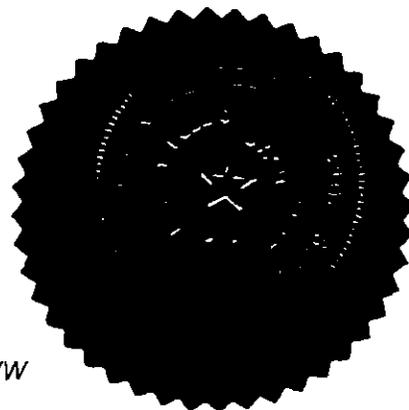
CERTIFICATE OF SERVICE

I, Shawn A. Richeson do hereby certify that a true and correct copy of this document has been served upon all parties and attorneys this Friday the 10th day of September 2010.


Shawn A. Richeson

TO: United States District Clerk
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street
Phoenix, AZ 85003

Please file this in cause of action 10931 PHX NVW



SUBSCRIBED AND SWORN TO BEFORE ME by the said SHAWN A. RICHESON on this 11th day of September 2010 certifies which witness my hand and seal of office.


Notary Public, State of Texas
County of Bell

09. 27, 2010