

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

XCENTRIC VENTURES, LLC, an
Arizona Limited Liability Corporation
(Plaintiff)

v.

Shawn Richeson
(Counter Plaintiff - Pro. Se.)

v.

XCENTRIC VENTURES, LLC, an
Arizona Limited Liability Corporation
(Counter Defendant)

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CASE NO: CIV' 10-1931 PHX NVW
FRCP 26 DISCLOSURES & RICHESON'S MOTION
TO WAIVE THE PRETRIAL CONFERENCE
IN REM: THE INTERNET CORPORATION FOR
ASSIGNED NAMES & NUMBERS (ICANN)
IN REM: ULTRADNS.NET

RICHESON'S DISCLOSURES
UNDER FRCP 26
&
RICHESON'S MOTION THAT
THIS COURT ENTER A SCHEDULING ORDER
UNDER FRCP 16
WITHOUT PRETRIAL CONFERENCE

Pursuant to rule 26 of the Federal Rules of Civil
Procedure, the Counter Plaintiff Richeson does hereby
disclose the following:

Rule 26(a) (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

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

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson, Maria Crimi Speth, James Rogers, Danny Scalf a.k.a. Frank Torelli. A copy of the audio recordings and documents are available for downloading and storage at: [www.clickanerd.com/legal/maria-only/](http://www.clickanerd.com/legal/maria-only/) and will be supplemented as new audio recordings and documents become available, with the exception of audio recordings withheld for purposes of witness impeachment.

WITNESS: Detective John Brewington  
4939 W Ray Rd Ste 4-115  
Chandler, Arizona 85226  
(602) 490-0676

This witness has assembled prima facie evidence, proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson, James Rogers, Danny Scalf a.k.a. Frank Torelli.

WITNESS: Edward Magedson  
15821 East Jericho  
Fountain Hills, Arizona 85268  
(602) 206-8326

This witness has committed wire fraud and can prove to this Court the existence of this crime.

WITNESS: James P. Rogers  
923 South Ashland Street  
Mesa, Arizona 85204  
(480) 626-3750

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson and physical evidence of attempted and completed extortion attempts against real persons and or business entities.

WITNESS: Kimberly A. Smith  
6216 West Oraibi Avenue  
Mesa, Arizona 85204  
(602) 206-8326

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson and physical evidence of attempted and completed extortion attempts against real persons and or business entities.

WITNESS: Ben L. Smith  
6216 West Oraibi Avenue  
Mesa, Arizona 85204  
(602) 206-8326

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson and physical evidence of attempted and completed extortion attempts against real persons and or business entities.

WITNESS: Alec Difrawi  
255 S Orange Ave  
Orlando, FL 32801  
(407) 206-1573

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson and physical evidence of attempted and completed extortion attempts against real persons and or business entities.

WITNESS: Daniel Scalf  
12125 W. Dove Wing Way  
Peoria, AZ 85383  
(623) 399-4030

This witness has assembled prima facie evidence proving up racketeering and wire fraud in violation of 18 USC 1343 - to include, emails, written and electronic documents and audio recordings of Ed Magedson and physical evidence of attempted and completed extortion attempts against real persons and or business entities.

(ii) a copy - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

**ANSWER:** All items have been identified above.

(iii) a computation of each category of damages claimed by the disclosing party - who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

**ANSWER:** The Counter Plaintiff has been damaged in excess of this Courts minimal jurisdiction of \$75,000.00 as have several of the aforementioned witnesses. No party or witness has elected to seek actual, real, punitive, exemplary or any other forms cash or compensatory damage. Instead, collectively ask that this Court impose a remedy that is injunctive in nature and order that www.RipoffReport.com be shut down permanently.

(iv) The Inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**ANSWER:** NONE

(A) *In General.* In addition to the disclosures required by Rule 26(a)(1), a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

**ANSWER:** Racketeering and wire fraud are easy theories to explain to a Jury. The Counter Plaintiff does not anticipate the need to call any expert witnesses, however reserves the right to call them and to

properly notify opposing counsel as required under FRCP 26(2)(C)(i).

Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable – and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

**ANSWER:** The Counter Plaintiff had substantially built a prima facie cause of action against Magedson since 2004 and has collected evidence, recordings and other proof of its Counter claim before filing its Counter Claim.

The Counter Plaintiff does hereby waive any all formalities relating to a scheduling conference and respectfully asks that this Court enter its own scheduling order under FRCP 16B and subsequently ORDER all parties to prepare for trial at this Courts earliest convenience.

**(a) Purposes of a Pretrial Conference.**

In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

- (1) expediting disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities;
- (4) improving the quality of the trial through more thorough preparation, and;
- (5) facilitating settlement.

In this instance, Richeson had built a prima facie case against Magedson before filing his Counter Claim.

Jaburg and Wilk P.C. and Xcentric Ventures LLC both had initially sued out of a temporary restraining order (TRO) that this Court has now dissolved.

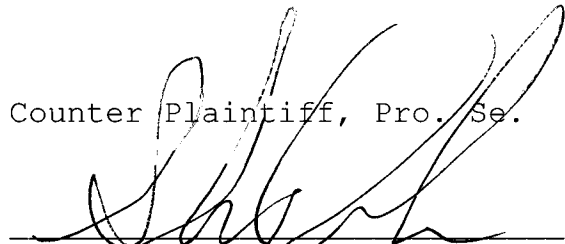
Although it is intuitively obvious that both original plaintiff's had began suit utilizing non existent facts and frivolous arguments, Richeson agreed to a permanent injunction in Favor of Jaburg and Wilk P.C. and waived his 1<sup>st</sup> amendment rights for the exclusive purpose of realigning parties and dispensing with time wasting moot points that would have most assuredly resulted in a Jury criticizing Jaburg and Wilk P.C. and the needless increase in litigation costs.

Richeson respectfully asks that this Court on its own initiative order that all parties and Attorneys accept a rigid and strict scheduling order and accomplish its discovery under circumstances and timelines that this Court orders.

Wherefore premises considered, Richeson humbly prays that this Court waive the 26F scheduling conference, enter a scheduling order on its own terms and subsequently order that all parties are to prepare for trial on the merits.

Served upon the Counter Defendant Xcentric Ventures LLC through her Attorney - Maria Crimi Speth and filed with the Court on this Sunday the 31<sup>st</sup> Day of October 2010.

Counter Plaintiff, Pro. Se.

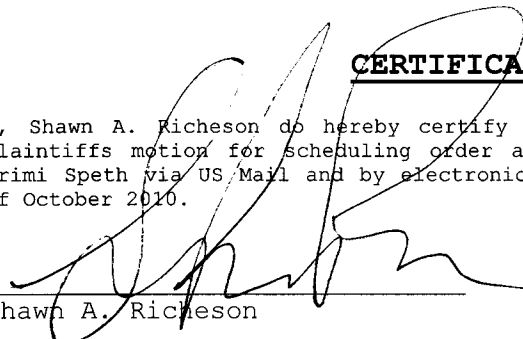


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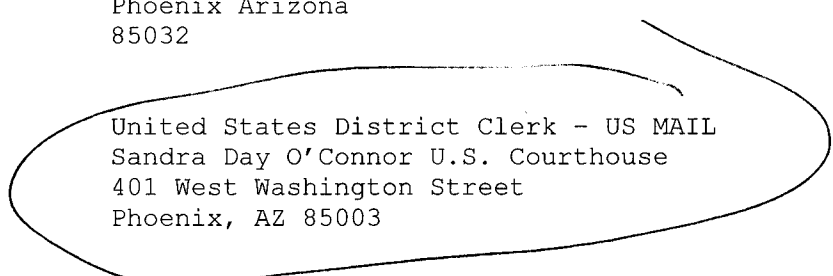
Shawn A. Richeson  
1906 Twilight Drive  
Killeen, Texas 76543  
[Shawn@ClickaNerd.com](mailto:Shawn@ClickaNerd.com)

**CERTIFICATE OF SERVICE**

I, Shawn A. Richeson do hereby certify that a true and correct copy of this Counter Plaintiffs motion for scheduling order and rule 26 disclosures were served upon Maria Crimi Speth via US Mail and by electronic mail [mcs@jaburgwilk.com](mailto:mcs@jaburgwilk.com) on Sunday the 31<sup>st</sup> day of October 2010.

  
Shawn A. Richeson

Maria Speth - US MAIL  
3105 East Claire Drive  
Phoenix Arizona  
85032

  
United States District Clerk - US MAIL  
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**