



## I. FACTS

Xcentric Ventures LLC was served with Richeson's 26 requests for admissions (DOC 50) on Friday October 22<sup>nd</sup> 2010 by and through her Attorney of record Maria Crimi Speth.

Xcentric Ventures LLC has not responded to Richeson's request for admissions (DOC 50) as required under FRCP 36 within 30 days and as an operation of law the aforesaid request for admissions are now deemed admitted. Document (50) CIV' 10-1931 PHX NVW is incorporated herein by reference for all intents and purposes.

Rule 36(b) - A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits.

### CONCLUSIVELY ESTABLISHED AGAINST XCENTRIC VENTURES LLC:

- 1) Xcentric Ventures LLC. acknowledges that she has and is currently running a criminal enterprise as defined under 18 U.S.C. § 1964(C) and 18 U.S.C.A § 1961?
- 2) Xcentric Ventures LLC. acknowledges that RIPOFFREPORT.COM is a criminal enterprise as defined under 18 U.S.C.A § 1961 and unless a Court of competent jurisdiction acts under section § 1962, it is her intention to carry on with this criminal enterprise?
- 3) Xcentric Ventures LLC. acknowledges that Xcentric Ventures LLC. is a criminal enterprise as defined under 18 U.S.C.A § 1961 and unless a Court of competent jurisdiction acts under section § 1962, it is her intention to carry on with this criminal enterprise?
- 4) Xcentric Ventures LLC. acknowledges that Xcentric Ventures LLC. is a criminal enterprise as defined under 18 U.S.C.A § 1961 and that the United States District Court, District of Arizona is the court of competent jurisdiction and demands that it act under section § 1962 and order the disabling of the domain RIPOFFREPORT.COM?

- 5) Xcentric Ventures LLC. acknowledges that Xcentric Ventures LLC. is a criminal enterprise as defined under 18 U.S.C.A § 1961 and that the United States District Court, District of Arizona issue orders and mandates that are necessary to the International Corporation for Assigned Names and Numbers (ICANN) to gain and control and permanent possession of the Domain RIPOFFREPORT.COM?
- 6) Xcentric Ventures LLC. acknowledges that Xcentric Ventures LLC. is a criminal enterprise as defined under 18 U.S.C.A § 1961 and that the United States District Court, District of Arizona issue orders and mandates that are necessary to ULTRADNS.NET and order that the domain RIPOFFREPORT.COM immediately resolve to a 404 error?

## II. ARGUMENT

Summary judgment is properly granted when the evidence in support of the moving party establishes that there is no issue of material fact to be tried. (Code Civ. Proc., section 437c; Mann v. Cracchiolo (1985) 38 Cal.3d 18, 35.)

If the court determines there is no triable issue of fact, the court will determine any remaining issues of law. (Pittelman v. Pearce (1992) 6 Cal.App.4th 1436, 1441.)

The Courts discretion to allow a party to withdraw his or her admissions may be reviewed under an abuse of discretion standard.

The text of Rule 36(b) is permissive. See FRCP 36(b) stating that the district court "may permit withdrawal"; In re Carney, 258 F.3d at 419 (stating in dictum that "even when the two factors are established, a district court still has discretion to deny a request for leave to withdraw or amend

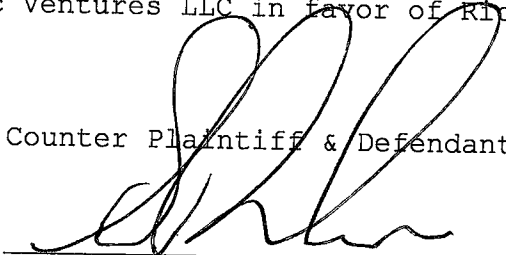
an admission"); United States v. Kasuboski, 834 F.2d 1345, 1350 n. 7 (7th Cir.1987) (same); Donovan, 703 F.2d at 652 ("Because the language of Rule [36(b)] is permissive, the court is not required to make an exception to Rule 36 even if both the merits and prejudice issues cut in favor of the party seeking exception to the rule.").

Assuming Xcentric Ventures LLC., does move at some point to withdraw her deemed admissions, a Jury trial will inevitably result in many victims of Xcentric Ventures LLC. testifying how they were damaged and how their businesses and lives have been ruined by Xcentric's criminal conduct.

Several witnesses will testify how they were ordered to create fake email accounts, enter false reports online and engage in violations of 18 U.S.C. § 1343. These facts when proved at trial will essentially mimic what has already been proved under FRCP 36(b).

**AFFIDAVIT - SHAWN A. RICHESON - ATTACHED - EXHIBIT A**

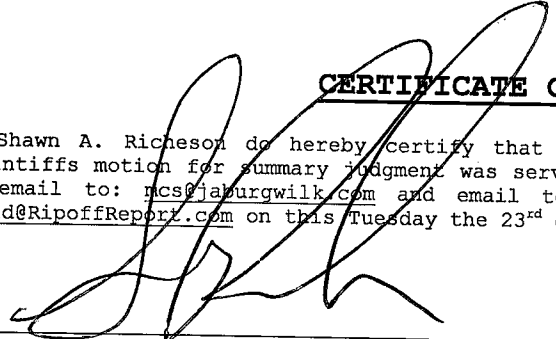
Wherefore premises considered, Richeson prays that this Court grant his motion for summary judgment either as a full and final summary judgment or if appropriate, interlocutory in nature, thereby resolving Richeson's causes of action against Xcentric Ventures LLC in favor of Richeson.

  
Counter Plaintiff & Defendant, Pro. Se.

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 summary judgment was served upon Maria Crimi Speth via US Mail and by email to: [mcs@jahurgwilk.com](mailto:mcs@jahurgwilk.com) and email to: [Editor@RipoffReport.com](mailto:Editor@RipoffReport.com) and email to: [David@RipoffReport.com](mailto:David@RipoffReport.com) on this Tuesday the 23<sup>rd</sup> day of November 2010.

  
Shawn A. Richeson

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

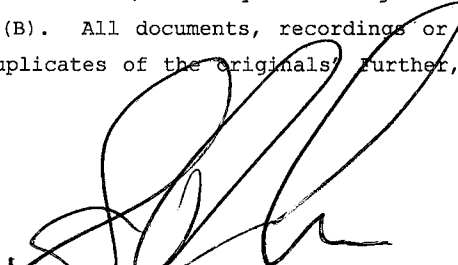
✓ United States District Clerk - US MAIL  
Sandra Day O'Connor U.S. Courthouse  
401 West Washington Street  
Phoenix, AZ 85003

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

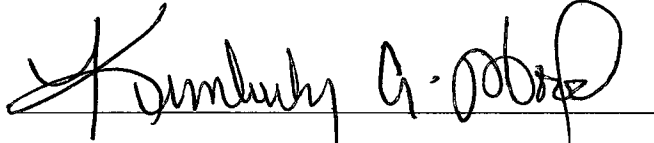
**AFFIDAVIT OF SHAWN RICHESON**

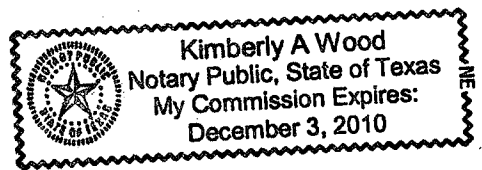
**THE STATE OF TEXAS   §  
  §  
  §  
COUNTY OF BELL       §**

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally Appeared SHAWN A. RICHESON, who being by me first duly sworn, on oath deposed and said: "My name is SHAWN A. RICHESON. I am over the age of 18 years, am of sound mind and body, capable of making this affidavit and am fully competent to testify to the matters herein stated. All facts and matters set forth herein are within my personal knowledge, and are true and correct. On Friday October 22<sup>nd</sup> 2010, I served (26) requests for admissions pursuant to LRCiv 36.1 upon Xcentric Ventures LLC. through her Attorney Maria Crimi Speth located at 3105 East Clair Drive in Phoenix Arizona 85032. Document (DOC 50) in cause no. CIV 10-1931 PHX NVW, is an identical copy of what I had sent via US mail and email to [mcs@jaburgwilk.com](mailto:mcs@jaburgwilk.com) as well as Ed Magedson located at 15821 East Jericho Fountain Hills Arizona 85268 and [Editor@RipoffReport.com](mailto:Editor@RipoffReport.com) & [David@RipoffReport.com](mailto:David@RipoffReport.com). No party or Attorney has responded to my request for (26) admissions (DOC 50) as of Tuesday November 23<sup>rd</sup> 2010, thereby admitting the same by default as an operation of law under FRCP 36(B). All documents, recordings or exhibits referred hereto are the originals or exact duplicates of the originals. Further, affiant says not.

  
\_\_\_\_\_  
SHAWN A. RICHESON

SUBSCRIBED AND SWORN TO BEFORE ME by the said SHAWN A. RICHESON on this Tuesday the 23<sup>rd</sup> day of November 2010 certifies which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas



**EXHIBIT A**