

I. Facts

Xcentric Ventures LLC. was served with Richeson's 26 requests for admissions on Friday October 22nd 2010 by and through her Attorney of record Maria Crimi Speth.

Xcentric Ventures LLC has not responded to Richeson's request for admissions as required under FRCP 36 within 30 days and as an operation of law the aforesaid request for admissions are now deemed admitted.

26 DEEMED ADMISSIONS

ADMIT - 1

Ed Magedson currently resides at 15821 East Jericho in Fountain Hills Arizona 85268?

ADMIT - 2

Ed Magedson is the administrative contact for the domain RIPOFFREPORT.COM and uses the address of P.O. Box 470, Tempe Arizona 85280?

ADMIT - 3

Ed Magedson is the technical contact for the domain RIPOFFREPORT.COM and uses the address of P.O. Box 470, Tempe Arizona 85280?

ADMIT - 4

ULTRADNS.NET IP 204.69.234.1 is the primary DNS server routing traffic to the domain RIPOFFREPORT.COM?

ADMIT - 5

ULTRADNS.NET IP 204.74.101.1 is the secondary DNS server routing traffic to the domain RIPOFFREPORT.COM?

ADMIT - 6

Maria Crimi Speth acknowledges complete authority to act for and on behalf of Xcentric Ventures LLC.?

ADMIT - 7

Xcentric Ventures LLC. acknowledges administrative control of the domain RIPOFFREPORT.COM and has used the email address David@RipoffReport.com and Editor@RipoffReport.com?

ADMIT - 8

Xcentric Ventures LLC. acknowledges that she has employed James P. Rogers at 15821 East Jericho in Fountain Hills Arizona 85268 and that James P. Rogers has posted, authored, altered and manipulated various ripoff reports at RIPOFFREPORT.COM from this address?

ADMIT - 9

Xcentric Ventures LLC. acknowledges that she has employed Kim Smith at 15821 East Jericho in Fountain Hills Arizona 85268 and that Kim Smith has posted, authored, altered and manipulated various ripoff reports at RIPOFFREPORT.COM from this address?

ADMIT - 10

Xcentric Ventures LLC. acknowledges that she has employed Ben Smith at 15821 East Jericho in Fountain Hills Arizona 85268 and that Ben Smith has posted, authored, altered and manipulated various ripoff reports at RIPOFFREPORT.COM from this address?

ADMIT - 11

Xcentric Ventures LLC. acknowledges that she has employed David Bedore at 15821 East Jericho in Fountain Hills Arizona 85268 and that David Bedore has posted, authored, altered and manipulated various ripoff reports at RIPOFFREPORT.COM from this address?

ADMIT - 12

Xcentric Ventures LLC. acknowledges that she has employed Maria Speth at 15821 East Jericho in Fountain Hills Arizona 85268 and that Maria Speth has posted, authored, altered and manipulated various ripoff reports at RIPOFFREPORT.COM from this address?

ADMIT - 13

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?

ADMIT - 14

Xcentric Ventures LLC. acknowledges that she has for several years in the past and is currently running 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?

ADMIT - 15

Xcentric Ventures LLC. acknowledges that RIPOFFREPORT.COM is 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?

ADMIT - 16

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?

ADMIT - 17

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?

ADMIT - 18

Maria Crimi Speth does agree to allow the Federal Marshall's to seize the computer equipment located 15821 East Jericho in Fountain Hills Arizona 85268 and preserve the same under a voluntary writ of sequestration and agrees that \$100.00 is a sufficient surety bond?

ADMIT - 19

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?

ADMIT - 20

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?

ADMIT - 21

Xcentric Ventures LLC. understands that under 1962 (b) It is unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

ADMIT - 22

Xcentric Ventures LLC. understands that under 1962 (b) It was unlawful to order James P. Rogers to engage in a pattern of racketeering activity or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

ADMIT - 23

Xcentric Ventures LLC. understands that under 1962 (b) It was unlawful to order Ben Smith to engage in a pattern of racketeering activity or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

ADMIT - 24

Xcentric Ventures LLC. understands that under 1962 (b) It was unlawful to order Maria Speth to engage in a pattern of racketeering activity or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

ADMIT - 25

Xcentric Ventures LLC. understands that under 1962 (b) It was unlawful to order Kim Smith to engage in a pattern of racketeering activity or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

ADMIT - 26

Xcentric Ventures LLC. understands that under 1962 (b) It was unlawful to order David Bedore to engage in a pattern of racketeering activity or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

II. Analysis of the deemed admissions

Xcentric Ventures LLC. chose not to deny the legal conclusions formed by the now 26 deemed admissions.

Compound questions and legal conclusions do qualify and result in a deemed admission:

Courts have deemed a request for an admission that an entity is insolvent admitted due to a party's failure to respond. See *Smyth v. Kaufman*, 114 F.2d 40, 42 (2d Cir. 1940); *Walls v. Harrison Signs, Inc. (In re Paradise Valley Holdings, Inc.)*, Bankr. No. 03-34704, Adv. Pro. No. 05-3265 (RS), 2006 WL 3087130, at *3 (Bankr. E.D. Tenn. Oct. 25, 2006); *Seitz v. Yudin (In re Cavellier Indus., Inc.)*, No. 99-31737 (DWS), 2002 WL 975868, at (Bankr. E.D. Pa. Apr. 16, 2002).

Furthermore, courts have deemed admitted that "consideration" has been paid due to a parties failure to respond. See *Young v. Boston Scientific Corp.*, No. 2:08-0028 (RLE), 2009 WL 113452, at (M.D. Tenn. Jan. 14, 2009); *U.S. v. Stock*, CV-01-092-E-BLW, 2003 WL 744927, at *12 (D. Idaho Feb. 20, 2003).

Richeson has always maintained that Xcentric Ventures LLC. is in fact a criminal enterprise.

Xcentric Ventures LLC. has never denied the fact that it is a criminal enterprise.

Maria Crimi Speth admits that on Friday October 22nd 2010 that she did in fact receive these requests for admissions from Richeson via email .pdf.

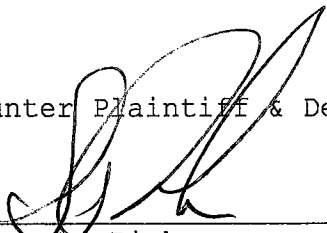
FRCP 5(b)(1) Service upon the Attorney was affected in (3) different manners.

Richeson sent the request for admissions via US Mail and via electronic mail as a .pdf and finally it was filed as document (50) as part of a compound document, thereby triggering an email of the event to Speth via Pacer.

Richeson and Speth have exchanged every document in this cause of action via email .pdf and US mail.

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.)

Wherefore premises considered, Richeson prays that this Court grant his motion for summary judgment for the exclusive and narrow purpose of finding that Xcentric Ventures LLC. is in fact a criminal enterprise.


Counter Plaintiff & 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 Counter Plaintiffs motion for summary judgment was served upon Maria Crimi Speth by email to: mcs@jaburgwilk.com and email to: Editor@RipoffReport.com and email to: David@RipoffReport.com on this Friday the 10th day of December 2010.



Shawn A. Richeson

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

(2) 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**