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9 Attorneys for Defendants  
 Xcentric Ventures, LLC and  
 10 Edward Magedson

11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **ASIA ECONOMIC INSTITUTE, LLC, et al.,**

14 **Plaintiffs,**

15 **vs.**

16 **XCENTRIC VENTURES, LLC, et al.,**

17 **Defendants.**

Case No: 2:10-cv-01360-SVW-PJW

**DEFENDANTS' RESPONSE TO  
 PLAINTIFFS' FIRST SET OF  
 REQUESTS FOR PRODUCTION**

18  
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 21 1. DOCUMENTS sufficient to IDENTIFY the total number of individuals or  
 22 businesses who enrolled in YOUR Corporate Advocacy Program ("CAP")  
 23 from 2005-present.

24 **RESPONSE:**

25 Objection; the request seeks evidence which has been determined to be irrelevant  
 26 to any fact at issue in this case and which is not reasonably calculated to lead to the  
 27 discovery of admissible evidence. The request also seeks information within the  
 28 scope of the discovery stay entered in this matter on June 24, 2010.

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIRST RFPs**

CV10-01360 SVW

Dockets.Justia.com

1 2. DOCUMENTS sufficient to IDENTIFY the total number of applicants to  
2 CAP from 2005-present.

3 **RESPONSE:**

4 Objection; the request seeks evidence which is not relevant to any fact at issue in  
5 this case and which is not reasonably calculated to lead to the discovery of  
6 admissible evidence.

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9 3. DOCUMENTS consisting of a complete copy of each version of a  
10 representative agreement(s) between YOU and a representative individual  
11 or entity that enrolled in the CAP from 2005-present.

12 **RESPONSE:**

13 Objection; the request seeks evidence which has been determined to be irrelevant  
14 to any fact at issue in this case and which is not reasonably calculated to lead to the  
15 discovery of admissible evidence. The request also seeks information within the  
16 scope of the discovery stay entered in this matter on June 24, 2010.

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19 4. DOCUMENTS sufficient to IDENTIFY the relationship of YOU to  
20 Creative Business Investments Concepts, Inc. (“Creative”).

21 **RESPONSE:**

22 Objection; the request seeks evidence which is not relevant to any fact at issue in  
23 this case and which is not reasonably calculated to lead to the discovery of  
24 admissible evidence.

25 The request also seeks information within the scope of the discovery stay entered  
26 in this matter on June 24, 2010.

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5. DOCUMENTS relating to Creative's ownership interest in YOU from 2005-present.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence.

The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

6. DOCUMENTS that refer or relate to Creative's duties and responsibilities to YOU from 2005-present.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence.

The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

7. DOCUMENTS that IDENTIFY all owner(s) of Xcentric Ventures, LLC from 2001-present.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence.

The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

1 8. DOCUMENTS that IDENTIFY all members(s) of YOU from 2001-  
2 present.

3 **RESPONSE:**

4 Objection; the request seeks evidence which is not relevant to any fact at issue in  
5 this case and which is not reasonably calculated to lead to the discovery of  
6 admissible evidence.

7 The request also seeks information within the scope of the discovery stay entered  
8 in this matter on June 24, 2010.

9  
10 9. All YOUR employment agreements with ED MAGEDSON from 2005-  
11 present.

12 **RESPONSE:**

13 Objection; the request seeks evidence which is not relevant to any fact at issue in  
14 this case and which is not reasonably calculated to lead to the discovery of  
15 admissible evidence.

16 The request also seeks information within the scope of the discovery stay entered  
17 in this matter on June 24, 2010.

18  
19 10. DOCUMENTS that IDENTIFY the owner of Creative from 2005-present.

20 **RESPONSE:**

21 Objection; the request seeks evidence which is not relevant to any fact at issue in  
22 this case and which is not reasonably calculated to lead to the discovery of  
23 admissible evidence.

24 The request also seeks information within the scope of the discovery stay entered  
25 in this matter on June 24, 2010.

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1 11. DOCUMENTS that refer or relate to David Bedore's duties and  
2 responsibilities for Xcentric from 2005-present.

3 **RESPONSE:**

4 Objection; the request seeks evidence which is not relevant to any fact at issue in  
5 this case and which is not reasonably calculated to lead to the discovery of  
6 admissible evidence.

7 The request also seeks information within the scope of the discovery stay entered  
8 in this matter on June 24, 2010.

9  
10 12. DOCUMENTS that refer or relate to David Bedore's duties and  
11 responsibilities for Creative from 2005-present.

12 **RESPONSE:**

13 Objection; the request seeks evidence which is not relevant to any fact at issue in  
14 this case and which is not reasonably calculated to lead to the discovery of  
15 admissible evidence.

16 The request also seeks information within the scope of the discovery stay entered  
17 in this matter on June 24, 2010.

18  
19 13. DOCUMENTS that refer or relate to the rates/fees that YOU charge for the  
20 CAP from 2005-present

21 **RESPONSE:**

22 Objection; the request seeks evidence which is not relevant to any fact at issue in  
23 this case and which is not reasonably calculated to lead to the discovery of  
24 admissible evidence.

25 The request also seeks information already within the possession of Plaintiffs.  
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1 14. DOCUMENTS that refer or relate to YOUR INVESTIGATION of a  
2 representative individual or entity that has enrolled in the CAP since 2005.

3 **RESPONSE:**

4 Objection; the request seeks evidence which is not relevant to any fact at issue in  
5 this case and which is not reasonably calculated to lead to the discovery of  
6 admissible evidence.

7 The request also seeks information within the scope of the discovery stay entered  
8 in this matter on June 24, 2010.

9  
10 15. DOCUMENTS that IDENTIFY the person(s) or entity(s) responsible for  
11 INVESTIGATING individuals or businesses once they have enrolled in  
12 the CAP from 2005-present.

13 **RESPONSE:**

14 Objection; the request seeks evidence which is not relevant to any fact at issue in  
15 this case and which is not reasonably calculated to lead to the discovery of  
16 admissible evidence.

17 The request also seeks information within the scope of the discovery stay entered  
18 in this matter on June 24, 2010.

19 16. DOCUMENTS that refer or relate to YOUR use of META TAGS on ROR  
20 from 2005-present.

21 **RESPONSE:**

22 Objection; the request is unintelligible insofar as it refers to “YOUR use of META  
23 TAGS”. All 600,000+ pages on the website [www.RipoffReport.com](http://www.RipoffReport.com) contain meta  
24 tags. To the extent this request requires Defendants to produce documents  
25 referring to every page on the website [www.RipoffReport.com](http://www.RipoffReport.com), Defendants object  
26 to the request as overbroad and unduly burdensome within the meaning of Fed. R.  
27 Civ. P. 26(b)(2)(B).  
28

1 Defendants further object on the basis the request seeks evidence which is not  
2 relevant to any fact at issue in this case and which is not reasonably calculated to  
3 lead to the discovery of admissible evidence.

4 The request also seeks information within the scope of the discovery stay entered  
5 in this matter on June 24, 2010.

6 17. All communications between YOU and Google relating to search indexing  
7 or search authority between 2005-present.

8 **RESPONSE:**

9 Objection; the request seeks evidence which is not relevant to any fact at issue in  
10 this case and which is not reasonably calculated to lead to the discovery of  
11 admissible evidence.

12 The request also seeks information within the scope of the discovery stay entered  
13 in this matter on June 24, 2010.

14 18. DOCUMENTS that IDENTIFY the person(s) or entity(s) that designed the  
15 user interface for “RipoffReport.com.”

16 **RESPONSE:**

17 Objection; the request seeks evidence which is not relevant to any fact at issue in  
18 this case and which is not reasonably calculated to lead to the discovery of  
19 admissible evidence.

20 The request also seeks information within the scope of the discovery stay entered  
21 in this matter on June 24, 2010.

22 19. DOCUMENTS that IDENTIFY the person(s) or entity(s) most  
23 knowledgeable about how HMTL is generated for a Report on  
24 RipoffReport.com

25 **RESPONSE:**

26 Objection; the request seeks evidence which is not relevant to any fact at issue in  
27 this case and which is not reasonably calculated to lead to the discovery of  
28 admissible evidence.

1  
2 The request also seeks information within the scope of the discovery stay entered  
3 in this matter on June 24, 2010.

4  
5 20. DOCUMENTS that IDENTIFY all computer programmers, coders or code  
6 developer that created the input screens and output for reports as they  
currently operate on RipoffReport.com

7 **RESPONSE:**

8  
9 Objection; the request seeks evidence which is not relevant to any fact at issue in  
10 this case and which is not reasonably calculated to lead to the discovery of  
admissible evidence.

11 The request also seeks information within the scope of the discovery stay entered  
12 in this matter on June 24, 2010.

13  
14 21. DOCUMENTS that IDENTIFY all computer programmers, coders or code  
15 developer that created the input screens and output for reports as they  
16 operated on RipoffReport.com from 2005-present.

17 **RESPONSE:**

18 Objection; the request seeks evidence which is not relevant to any fact at issue in  
19 this case and which is not reasonably calculated to lead to the discovery of  
20 admissible evidence.

21 The request also seeks information within the scope of the discovery stay entered  
22 in this matter on June 24, 2010.

23  
24 22. DOCUMENTS that IDENTIFY the HTML, META TAGS, META  
25 ELEMENTS, and source code for all web pages displaying reports about  
PLAINTIFFS at issue in this action.

26 **RESPONSE:**

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28 Objection, the request seeks information within the scope of the discovery stay  
entered in this matter on June 24, 2010.



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23. DOCUMENTS that refer or relate to either written or oral communications between DEFENDANTS and PLAINTIFFS from 2008-present.

**RESPONSE:**

Objection; the request seeks information subject to attorney-client privilege.

Subject to and without waiving the foregoing objection, all non-privileged documents have previously been produced.

24. All audio recordings (including those played by DEFENDANTS at Mr. Mobrez's Deposition of May 7, 2010) of communications between DEFENDANTS and PLAINTIFFS from 2008-present.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence.

25. Recordings sufficient to IDENTIFY YOUR outgoing voice prompts prior to notification of callers that calls may be recorded.

**RESPONSE:**

Defendants are not in possession of any such recordings.

26. Recordings sufficient to IDENTIFY YOUR outgoing voice prompts after YOU began notifying callers that calls may be recorded.

**RESPONSE:**

Defendants are not in possession of any such recordings. Plaintiffs may obtain this information by calling (602) 539-4357 and reviewing the prompts.

1  
2 27. DOCUMENTS that refer or relate to any instance of YOU deleting posts  
3 on ROR from 2005-present.

4 **RESPONSE:**

5 Objection; the request seeks evidence which is not relevant to any fact at issue in  
6 this case and which is not reasonably calculated to lead to the discovery of  
7 admissible evidence.

8 The request also seeks information within the scope of the discovery stay entered  
9 in this matter on June 24, 2010.

10 28. DOCUMENTS that IDENTIFY the HTML, META TAGS, META  
11 ELEMENTS, and source code for web pages displaying reports about a  
12 representative CAP member after joining CAP.

13 **RESPONSE:**

14 Objection; the request seeks evidence which is not relevant to any fact at issue in  
15 this case and which is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Defendants further object to the request as overbroad and  
17 unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

18 The request also seeks information within the scope of the discovery stay entered  
19 in this matter on June 24, 2010.

20  
21 29. DOCUMENTS that IDENTIFY the HTML, META TAGS, META  
22 ELEMENTS, and source code for web pages displaying reports about a  
23 representative CAP member as they existed before the member joined  
CAP.

24 **RESPONSE:**

25 Objection; the request seeks evidence which is not relevant to any fact at issue in  
26 this case and which is not reasonably calculated to lead to the discovery of  
27 admissible evidence. Defendants further object to the request as overbroad and  
28 unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

1 The request also seeks information within the scope of the discovery stay entered  
2 in this matter on June 24, 2010.

3  
4 30. DOCUMENTS that IDENTIFY the individual or entity that revises web  
5 pages including reports about a CAP member after the member joins CAP.

6 **RESPONSE:**

7 Objection; the request seeks evidence which is not relevant to any fact at issue in  
8 this case and which is not reasonably calculated to lead to the discovery of  
9 admissible evidence.

10 The request also seeks information within the scope of the discovery stay entered  
11 in this matter on June 24, 2010.

12  
13 31. DOCUMENTS that evidence that you have been contacted by  
14 Governmental agencies as stated on YOUR website at RipoffReport.com.

15 **RESPONSE:**

16 Objection; the request seeks evidence which is not relevant to any fact at issue in  
17 this case and which is not reasonably calculated to lead to the discovery of  
18 admissible evidence. Defendants further object to the request as overbroad and  
19 unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

20 The request also seeks information within the scope of the discovery stay entered  
21 in this matter on June 24, 2010.

22 32. DOCUMENTS that evidence YOUR participation in class action lawsuits  
23 against businesses or individuals reported on ROR as stated on YOUR  
24 website RipoffReport.com.

25 **RESPONSE:**

26 Objection; the request seeks evidence which is not relevant to any fact at issue in  
27 this case and which is not reasonably calculated to lead to the discovery of  
28 admissible evidence. Defendants further object to the request as overbroad and  
unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

1 The request also seeks information within the scope of the discovery stay entered  
2 in this matter on June 24, 2010.

3 33. DOCUMENTS that refer or relate to your relationship to the class action  
4 lawyers listed on your website.

5 **RESPONSE:**

6 Objection; the request seeks evidence which is not relevant to any fact at issue in  
7 this case and which is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Defendants further object to the request as overbroad and  
9 unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

10 The request also seeks information within the scope of the discovery stay entered  
11 in this matter on June 24, 2010.

12  
13 34. DOCUMENTS sufficient to IDENTIFY all individuals or entities who  
14 have an ownership interest in Xcentric Ventures, LLC from its inception to  
the present.

15 **RESPONSE:**

16 Objection; the request seeks **evidence which is not relevant** to any fact at issue in  
17 this case and which is not reasonably calculated to lead to the discovery of  
18 admissible evidence.

19 The request also seeks information within the scope of the discovery stay entered  
20 in this matter on June 24, 2010.

21 35. DOCUMENTS relating to, referring to, or evidencing any actions taken by  
22 DEFENDANTS to create, add, remove, edit or alter the TITLE META  
23 TAG of reports against members of the CAP, including but not limited to  
24 documents evidencing changes in the Web page's HTML source code.

25 **RESPONSE:**

26 Objection; the request seeks evidence which is not relevant to any fact at issue in  
27 this case and which is not reasonably calculated to lead to the discovery of  
28 admissible evidence. Defendants further object to the request as overbroad and  
unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

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The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

36. DOCUMENTS relating to, referring to, or evidencing any actions taken by Defendants to create, add, remove, edit or alter the DESCRIPTION META TAG of the complaints against members of the CAP, including but not limited to documents evidencing changes in the Web page's HTML source code.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to the request as overbroad and unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

37. DOCUMENTS relating to, referring to, or evidencing any actions taken by Defendants to create, add, remove, edit or alter the KEYWORD META TAG of the complaints against members of the CAP, including but not limited to documents evidencing changes in the Web page's HTML source code.

**RESPONSE:**

Objection; the request seeks evidence which is not relevant to any fact at issue in this case and which is not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to the request as overbroad and unduly burdensome within the meaning of Fed. R. Civ. P. 26(b)(2)(B).

The request also seeks information within the scope of the discovery stay entered in this matter on June 24, 2010.

1 38. DOCUMENTS relating to, referring to, or evidencing any actions taken by  
2 Defendants to create, add, remove, edit or alter the TITLE META TAG of  
3 the complaints against PLAINTIFF, including but not limited to  
4 documents evidencing changes in the Web page's HTML source code.

5 **RESPONSE:**

6 No such documents exist.  
7

8  
9 39. DOCUMENTS relating to, referring to, or evidencing any actions taken by  
10 Defendants to create, add, remove, edit or alter the DESCRIPTION META  
11 TAG of the complaints against PLAINTIFF, including but not limited to  
12 documents evidencing changes in the Web page's HTML source code.

13 **RESPONSE:**

14 No such documents exist.  
15

16 40. DOCUMENTS relating to, referring to, or evidencing any actions taken by  
17 Defendants to create, add, remove, edit or alter the KEYWORD META  
18 TAG of the complaints against PLAINTIFF, including but not limited to  
19 documents evidencing changes in the Web page's HTML source code.

20 **RESPONSE:**

21 No such documents exist.  
22

23 DATED July 22, 2010.  
24

**GINGRAS LAW OFFICE, PLLC**

/S/ David S. Gingras  
David S. Gingras  
Attorneys for Defendants  
Ed Magedson and  
Xcentric Ventures, LLC

1 **CERTIFICATE OF SERVICE**

2  
3 I hereby certify that on July 22, 2010 I mailed the original of the foregoing to:

4  
5 Mr. Daniel F. Blackert, Esq.  
6 Ms. Lisa J. Borodkin, Esq.  
7 Asia Economic Institute  
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10 Attorneys for Plaintiffs

11 /s/David S. Gingras

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