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12 Attorney for Plaintiffs,
13 Asia Economic Institute,
14 Raymond Mobrez, and
15 Iliana Llaneras

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 ASIA ECONOMIC INSTITUTE, a
19 California LLC; RAYMOND
20 MOBREZ an individual; and ILIANA
21 LLANERAS, an individual,

22 Plaintiffs,

23 vs.

24 XCENTRIC VENTURES, LLC, an
25 Arizona LLC, d/b/a as BADBUSINESS
26 BUREAU and/or
27 BADBUSINESSBUREAU.COM
28 and/or RIP OFF REPORT and/or
RIPOFFREPORT.COM; BAD
BUSINESS BUREAU, LLC, organized
and existing under the laws of St.
Kitts/Nevis, West Indies; XCENTRIC
an individual, and DOES 1 through 100,
inclusive,

Defendants.

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

**DECLARATION OF DANIEL F.
BLACKERT IN SUPPORT OF
PLAINTIFFS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER
REGARDING (1) THE
PRESERVATION OF
ELECTRONICALLY STORED
INFORMATION ("ESI") AND (2)
FOR PROTECTIVE ORDER
PREVENTING INTERFERENCE
WITH WITNESSES**

1 I, Daniel F. Blackert, declare under penalty of perjury as follows:

- 2
- 3 1. My name is Daniel Blackert. I am a United States Citizen, a resident of
- 4 the State of California, am over 18 years of age, and if called to testify in
- 5 Court or other proceeding I could and would give the following testimony
- 6 which is based upon my own personal knowledge unless otherwise stated.
- 7
- 8 2. I am an attorney licensed to practice law in the State of California. I am
- 9 an active member, in good standing, of the State Bar of California. I am
- 10 also admitted to practice in the United States District Court for the Central
- 11 District of California.
- 12
- 13 3. Since December 2009, I have been employed by Asia Economic Institute
- 14 as its attorney for this matter. My co-counsel in this case is Lisa J.
- 15 Borodkin. I have been involved in the litigation since its inception. I
- 16 have possession of Plaintiffs' files with respect to this case, and I am
- 17 personally familiar with its contents.
- 18
- 19 4. On August 3, 2010, I received a forwarded email communication from
- 20 Attorney Kenton Hutcherson. This email was also forwarded to my co-
- 21 counsel, Attorney Borodkin. The email we were forwarded was dated
- 22 August 3, 2010. This email was to Mr. Hutcherson from Attorney David
- 23 Gingras. A true and correct copy of this email is attached hereto as
- 24
- 25 **EXHIBIT A.**
- 26
- 27
- 28

- 1 5. The email states that Rip-Off Report (“ROR”) has decided to create a new
2 section on its website entitled “Hall of Shame.” Part of the email states:
3
4 “because of Mr. Hutcherson's past conduct, Ripoff Report has adopted a
5 new policy, effective immediately, which is as follows – Ripoff Report
6 will not agree to any settlement in any case in which Mr. Hutcherson is
7 involved.”
8
- 9
10 6. The email further states that even though Mr. Hutcherson produced the
11 entire settlement agreement settlement agreement entered into on May 15,
12 2009 by and between Defendants and QED Media Group, LLC and
13 Robert Russo, “Mr. Hutcherson’s characterization of the settlement
14 agreement at issue is false.” This settlement agreement is attached to
15
16 Plaintiffs’ First Amended Complaint as **EXHIBIT 8**.
17
- 18 7. Defendants’ conduct of creating a “Hall of Shame” on ROR is troubling
19 as it insinuates that any attorneys who sue ROR, including myself and my
20 co-counsel, Attorney Borodkin, will be added to the “Hall of Shame” and
21 potentially subjected to public humiliation and ridicule.
22
- 23
24 8. This email is critical as it further evidences the fact that Defendants are
25 attempting to vigorously interfere with our witnesses. This email is
26 essentially attempting to silence Attorney Hutcherson when he has done
27
28

1 nothing other than provide evidence to Plaintiffs' Attorneys which is not
2 in violation of any settlement agreement or Court Order.
3

4 9. Defendants should not be allowed intimidate witnesses, including
5 Attorney Hutcherson. This type of conduct is improper.
6

7 10. I would also like to correct the record with respect to page 3 of Plaintiffs'
8 **EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING**
9 **ORDER** regarding the above. The bottom of page three (3) states "
10 [...]the circumstances and timing of Defendants' counsels' call [...]." It
11 should read *the circumstances and timing of Attorney Hutcherson's call*.
12
13
14

15 **Pursuant to 28 U.S.C., Section 1746, I declare under penalty of perjury**
16 **under the Laws of the United States of America that the foregoing is true**
17 **and correct.**
18

19
20 EXECUTED ON: August 3, 2010

21 /s/ Daniel F. Blackert

22 Daniel F. Blackert
23
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