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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ASIA ECONOMIC INSTITUTE, LLC, *et al.,*	Case No: 2:10-cv-01360-RSWL-PJW
Plaintiffs,	**DECLARATION OF JUSTIN CROSSMAN IN SUPPORT OF RESPONSE TO APPLICATION FOR TEMPORARY RESTRAINING ORDER**
v.	
XCENTRIC VENTURES, LLC, *et al.,*	
Defendants.	

I, Justin Crossman, declare as follows:

1.   My name is Justin Crossman. I am a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge unless otherwise stated.

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1   2.   I provide technical services to Xcentric Ventures, LLC ("Xcentric") and the

2   Ripoff Report website and I have done so since 2008.

3   3.   The Ripoff Report website utilizes a SQL database. With respect to

4   preservation of the electronically stored information related to the website, there are two

5   considerations: (1) preservation of the old data when there is a change to it; and (2)

6   backup of the database in the event of a failure.

7   4.   Between July 4, 2009 and August 11, 2009 the database was migrated into a

8   new software program.   Before that time, the database was operating on code that had

9   been written more than ten years ago and was outdated.

10   5.   I have and preserve a complete copy of the database as it existed before the

11   data was migrated to the new software program.

12   6.   Prior to July 4, 2009, if a report or rebuttal was modified in any way, the

13   modification would overwrite the existing data. It was the equivalent to making changes

14   to a "Word" document and clicking "save." The new version of the report or rebuttal

15   would replace the old version.

16   7.   After the migration was complete on or about August 11, 2009, if a report or

17   rebuttal is modified in any way, the changes are saved as in a new database record. It is

18   the equivalent of making changes to a "Word" document and clicking "save as." A new

19   record is created and both exist in the database.

20   8.   In summary, since August 11, 2009 all reports and rebuttals are preserved in

21   their original submitted format regardless of any changes.

22   9.   In addition to reports and rebuttals, the Ripoff Report website also contains

23   certain static content stored in the database, such as the text on the home page, and in the

24   sections entitled "so you want to sue Ripoff Report."

25   10.   The new software program does not automatically save the existing static

26   content if a change is made to it.   We are working on creating that functionality, but have

27   not completed the process.

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11.   The original content is, however, preserved in three ways. First, printed copies and screen shots of the static pages are sometimes made by Xcentric and its agents, including its attorneys. Second, when I make changes to the static content, I generally manually save the source code.   Third, the site is backed up on a regular basis as set forth below.

12.   I have been instructed on a going forward basis to always manually save the source code whenever any change is made to the static content.

13.   The URL of a report is generated by the software program and is based on features of the author's input including the report category, company or individual name and the title. Except where required by the software program, each element of the URL is just as it was provided by the author and may be truncated for length.

14.   The title tag portion of the code was re-written and implemented on April 26, 2010 which resulted in a change in the way that the title displays.

15.   The previous code has been and will be preserved.

16.   In addition to the preservation practices described above, Xcentric has a back up protocol for the website in case of a failure.

17.   The backup system for the Ripoff Report website is provided by a third party vendor utilizing an off-site storage service. Xcentric has a full source code backup as well as SQL database backup running constantly. All of the data is saved (incrementally) every 15 minutes and is retained for 24 hours. After 24 hours one full backup is taken and retained for 30 days.

18.   A "no index, no follow" meta tag is a notice or command adhered to by compliant search engines (Google, Yahoo, Bing, etc.) which states that the web site owner wishes these search engines to not index any pages where this tag is found. Further, that same tag is requesting that these search engines de-index these pages, effectively removing the pages from their systems entirely. If such a tag is placed, the page will only

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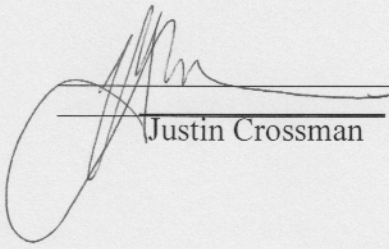
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be accessible via the URL directly or via a specific search made on the originating web site.

19. Ripoff report does not currently have a system in place that allows it to pick and choose the inclusion of a new "no index, no follow" meta tag. In order to comply with an order to set this meta tag on only specific pages, we would have to engineer and develop a system for the custom and dynamic inclusion of meta tags and retroactively assign this new field and appropriate value ("no index, no follow" or "index, follow") to each of the 650,000+ pages.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED ON: August 4 2010.

Justin Crossman

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