

# EXHIBIT D

Asia Economic Institute  
Daniel F. Blackert, Esq.  
11766 Wilshire Blvd., Suite 260  
Los Angeles, CA 90025  
(310) 806-3000

David Gingras, Esq.  
Gingras Law Office, PLLC  
4072 E. Mountain Vista Dr.  
Phoenix, AZ 85048

March 3, 2010

**Re: Asia Economic Institute v. Xcentric Ventures, LLC, et al.**  
**Case No.: SC106603**

Dear Mr. Gingras:

It was nice speaking with you on Monday. I just wanted to memorialize some of the issues discussed in our telephone conversation.

You agreed that you had accepted service of process in the above referenced matter on behalf of your clients, Ed Magedson and Xcentric Ventures, Inc. Again, thank you for your professional courtesy with respect to this matter.

In addition, we also discussed the issue of whether your client resides or lives in California. As you know, Mr. Magedson sent my client an email unequivocally stating that he currently lives in California.<sup>1</sup> A copy of this email is attached to our Complaint. I asked you whether your client did, in fact, live or reside in California. You responded that your client had lied in his email and that he did not live in California. You explained the reason your client lied was because he wanted to be sued in California in order to take advantage of the anti-SLAPP statute. I am not sure what to make of these conflicting assertions, but as litigation continues I am sure we will resolve this issue and determine whether your client is, in fact, lying.

As we discussed on the phone, the issue of whether your client lives or resides in California is relevant to the issue of removal. As such, I am sure that we will iron out this issue when we file papers to oppose your removal.

I look forward to hearing from you soon.

Very truly yours,



Daniel F. Blackert, Esq.

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<sup>1</sup> "I am in California...I Live here now."

# EXHIBIT E

...by consumers, for consumers



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## File a Report



### Company or Individual

#### Company or Individual you are reporting

All the information in **Step 1** is on the Company or Individual you are reporting.  
**YOU ARE NOT reporting your personal information here.**

#### Name of Company or Individual you are reporting:

- If you have more than one Company or Individual named in your report, or if the company goes by more than one name (AKA's), put the other names in the "Other Name's" box

Name of Company or Individual:

Additional names (AKA's):  (optional)

#### Address of Company or Individual you are reporting:

- You must enter either a physical street address and/or a web address.  
- You may enter both, BUT If the Company or Individual is on the Internet and only on-line based, or you don't have a physical address, you MUST enter their Web address

Street Address:  physical (street) address only, city and state go below

Web Address:

#### City, State, Zip Code, and Country of Company or Individual you are reporting:

- Multiple cities can be entered for more than one location.  
- If the Company or Individual is on the Internet and only on-line based, and you have entered the Web address: the city, zip code, and country boxes can be left blank. Enter "Internet" in the State box.

City:

State/Province:  Select State/Province Select Internet if online only.

Zip Code:  (optional)

Country:  United States of America

#### Phone, FAX, and e-mail address of Company or Individual you are reporting:

- This information is not required, but they are good tools for sympathetic Consumers to let the Company or Individual know how they feel about what they did to you and will only help your situation.  
- This information may also be helpful to other victims reading your Ripoff Report.  
- The more information you provide, the better.

Fax:

Phone:

E-mail address:

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# EXHIBIT F

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## File a Report



### Report Title and Category

#### Report Title and Category

##### Title Your Rip-off Report

The title of your report is divided into four boxes below but will appear as one line after your report is submitted.

Your title will look like this:

- Enter all the names of the Company or Individual you are reporting
  - Be sure to include AKAs

Company or Individual's names:

<-----(a)----->

If the company name does not appear, please enter.

- Enter Descriptive words to your title... to describe what the Company or Individual did to you.
  - Be creative when using the example words, it will make your report more interesting.

Descriptive Words:

<-----(b)----->

Please limit to 20 words, you can add several phrases and edit them too

##### Enter the City where the Company or Individual is located

- If the Company or Individual is on the Internet and only on-line based, the city may be left blank

City:

<-----(c)----->

If the city name does not appear, please enter.

##### Enter the State where the Company or Individual is located

- If the Company or Individual is on the Internet and only on-line based, and you have entered a Web address in Step 1, you must enter "Internet" or "Nationwide" in the State box. Additional States may be added.

State:

<-----(d)----->

If the state name does not appear, please enter.

#### Categorize Your Ripoff Report:

First choose a topic, and then locate the best category that suits your report.

Check these out for future reference!

##### First choose a Topic:

- Automotive
- Community
- Computers & Internet
- Dining
- Education & Instruction
- Electronics
- Entertainment
- Finance
- Health & Fitness
- Home & Garden
- Outrageous & Popular Rip-Off
- Services
- Sports & Recreation
- Stores
- Travel
- Unusual Rip-Off

##### Second choose a Category:

# EXHIBIT G

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SEARCH COMPANY OR REPORT #  
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## File a Report



### Write your Report

#### Write Your Report

To help format our reports to be more easily read:  
PLEASE....

Do NOT use ALL CAPITAL LETTERS, it makes it hard to read.

Do NOT indent paragraphs.

Do NOT write your report all in one paragraph. Use 2 or 3 sentences to each paragraph and leave a space between each paragraph.

Do NOT sign your name, or include any e-mail addresses in the report.

Write your report in the following text box:

Do NOT sign your name,  
or include any e-mail  
addresses in the report.  
Use the boxes below to  
automatically put your  
name, City and  
State at the very end of  
your Ripoff Report.

R I P O F F

Enter YOUR first name ONLY and the City and State:

This will automatically place your first name, your City and State at the very end of your report and will add credibility to your Ripoff Report. If you are afraid of retaliation and/or would like to remain anonymous, please change your first name, city, state, and country here.

First name only:

City:

State: Select State/Province

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[Thank You Emails!](#)   [Corporate Advocacy Program: How to repair your business reputation.](#)   [Ed Magedson - Ripoff Report Founder](#)



# EXHIBIT H

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Maria Crimi Speth, #012574  
**JABURG & WILK, P.C.**  
3200 North Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
(602) 248-1000  
  
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

CERTAIN APPROVAL PROGRAMS,  
L.L.C.; and JACK STERNBERG,

Plaintiffs,

v.

XCENTRIC VENTURES, L.L.C.;  
EDWARD MAGEDSON; and JOHN or  
JANE DOE,

Defendants.

Case No: CV08-1608-PHX-MHB

**ANSWER**

JABURG & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012

Defendants Xcentric Ventures, L.L.C. and Ed Magedson hereby Answer Plaintiffs' Complaint as follows:

**I. Preliminary Statement**

Defendants object to all allegations stated under the heading "PRELIMINARY STATEMENT" on the basis that such allegations, in addition to being improper argument, fail to comply with the requirements of Fed. R. Civ. P. 10(b). To the extent such allegations require any response, they are denied.

1. Defendants lack sufficient information upon which to form a belief as to the veracity of ¶ 1 and therefore such allegations are denied.

- 1 2. Defendants lack sufficient information upon which to form a belief as to the
- 2 veracity of ¶ 2 and therefore such allegations are denied.
- 3 3. Defendants admit ¶ 3 of Plaintiffs' Complaint.
- 4 4. Admit that Magedson is the Manager of Xcentric Ventures, L.L.C. Deny all
- 5 remaining allegations of ¶ 4.
- 6 5. Defendants lack sufficient information upon which to form a belief as to the
- 7 veracity of ¶ 5 and therefore such allegations are denied.
- 8 6. Admit this Court has subject matter jurisdiction over this matter. Deny all
- 9 remaining allegations of ¶ 6.
- 10 7. Admit this Court has personal jurisdiction over Defendants. Deny all
- 11 remaining allegations of ¶ 7.
- 12 8. Admit this Court has personal jurisdiction over Magedson. Deny all
- 13 remaining allegations of ¶ 8.
- 14 9. Defendants lack sufficient information upon which to form a belief as to the
- 15 veracity of ¶ 9 and therefore such allegations are denied.
- 16 10. Admit that venue is proper in this District. Deny all remaining allegations
- 17 of ¶ 10.
- 18 11. Defendants lack sufficient information upon which to form a belief as to the
- 19 veracity of ¶ 11 and therefore such allegations are denied.
- 20 12. Admit that Jack Sternberg is a nationally recognized expert on real estate
- 21 investment. Deny all remaining allegations of ¶ 12.
- 22 13. Defendants lack sufficient information upon which to form a belief as to the
- 23 veracity of ¶ 13 and therefore such allegations are denied.
- 24 14. Defendants lack sufficient information upon which to form a belief as to the
- 25 veracity of ¶ 14 and therefore such allegations are denied.
- 26 15. Defendants admit ¶ 15 of Plaintiffs' Complaint.
- 27 16. Defendants deny ¶ 16 of Plaintiffs' Complaint
- 28

- 1 17. Defendants admit ¶ 17 of Plaintiffs' Complaint that XCentric publishes  
2 reports on the website without evaluating the validity of any information  
3 contained therein. Defendants deny the remainder of the allegations  
4 contained in ¶ 17 of Plaintiffs' Complaint
- 5 18. Defendants deny ¶ 18 of Plaintiffs' Complaint.
- 6 19. Defendants deny ¶ 19 of Plaintiffs' Complaint.
- 7 20. Defendants deny ¶ 20 of Plaintiffs' Complaint.
- 8 21. Defendants deny ¶ 21 of Plaintiffs' Complaint.
- 9 22. Defendants deny ¶ 22 of Plaintiffs' Complaint.
- 10 23. Defendants deny ¶ 23 of Plaintiffs' Complaint.
- 11 24. Defendants deny ¶ 24 of Plaintiffs' Complaint.
- 12 25. Defendants admit ¶ 25 of Plaintiffs' Complaint.
- 13 26. Defendants admit ¶ 26 of Plaintiffs' Complaint.
- 14 27. Defendants admit ¶ 27 of Plaintiffs' Complaint.
- 15 28. Defendants deny ¶ 28 of Plaintiffs' Complaint.
- 16 29. Defendants deny ¶ 29 of Plaintiffs' Complaint.
- 17 30. Admit that Xcentric's servers automatically create extensive HTML code in  
18 order to display pages on www.RipoffReport.com. Deny all remaining  
19 allegations of ¶ 30.
- 20 31. Defendants admit ¶ 31 of Plaintiffs' Complaint
- 21 32. Admit the first and second sentences of ¶ 32. Deny all remaining  
22 allegations of ¶ 32.
- 23 33. Admit that Xcentric's servers automatically create certain HTML code for  
24 each page on www.RipoffReport.com. Admit that every webpage on the  
25 Website containing a "report" has a title meta tag that contains "Rip-off  
26 Report:". Deny all remaining allegations of ¶ 33.
- 27 34. Admit that Xcentric's servers automatically use information supplied by  
28 third party users of the website to create a page which displays the report

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and that certain portions of third party created statements are used in various ways to format, index, and display the report. Deny all remaining allegations of ¶ 34.

35. Admit that Xcentric’s servers automatically create certain tags which contain information about the contents of each web page for indexing and searching purposes. Admit that keyword meta tags are not displayed on internet search engines and admit that such tags are used by search engines in order to index the content of a particular page. Admit that Xcentric’s servers automatically include the words “rip-off,” “ripoff” and “rip off” in certain tags to accurately reflect that a page is available on www.RipoffReport.com. Deny all remaining allegations of ¶ 35.

36. Admit that Xcentric publishes a logo for www.RipoffReport.com which contains the statements, “...for consumers, by consumers”, “Ripoff Report”, and “Don’t let them get away with it ... let the truth be known!” Deny that any of the above are defamatory and deny all remaining allegations of ¶ 36.

37. Defendants deny ¶ 37 of Plaintiffs’ Complaint.

38. Defendants admit ¶ 38 of Plaintiffs’ Complaint.

39. Defendants admit ¶ 39 of Plaintiffs’ Complaint.

40. Defendants admit ¶ 40 of Plaintiffs’ Complaint.

41. Deny and Defendants reserve the right to move to strike pursuant to Fed. R. Civ. P. 12(f).

42. Admit that Xcentric’s servers automatically included “Rip-off Report:” in the title tag in order to truthfully and accurately identify that the subject report is, in fact, located on www.RipoffReport.com. Admit that Exhibit is a printout of certain HTML code which speaks for itself. Deny all remaining allegations of ¶ 42.

43. Admit that Xcentric’s servers automatically created a description tag which contains certain content provided solely by the author of the report. Admit

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- that Exhibit A is a printout of certain HTML code which speaks for itself.  
Deny all remaining allegations of ¶ 43.
44. Admit that Xcentric’s servers automatically created a keyword tag which contains certain content provided solely by the author of the report. Admit that Exhibit A is a printout of certain HTML code which speaks for itself. Deny all remaining allegations of ¶ 43.
45. Admit that Xcentric created the category “Con Artists” and that a third party selected that category among hundreds of other categories to describe the author’s report. Admit the category selected by the third party appears on the webpage itself in conjunction with the author’s report. Deny all remaining allegations of ¶ 45.
46. Admit that Xcentric created certain content as quoted in ¶ 46 which are slogan for the website, not statements of and concerning Plaintiff.
47. Defendants deny ¶ 47 of Plaintiffs’ Complaint
48. Deny and affirmatively allege that any original content created by Xcentric are not statements of and concerning Plaintiff.
49. Defendants deny ¶ 49 of Plaintiffs’ Complaint.
50. Defendants deny ¶ 50 of Plaintiffs’ Complaint.
51. Defendants deny ¶ 51 of Plaintiffs’ Complaint.
52. Defendants lack sufficient information upon which to form a belief as to the veracity of ¶ 52 and therefore such allegations are denied.
53. Defendants deny ¶ 53 of Plaintiffs’ Complaint.
54. Defendants deny ¶ 54 of Plaintiffs’ Complaint.
55. Defendants deny ¶ 55 of Plaintiffs’ Complaint.
56. Defendants deny ¶ 56 of Plaintiffs’ Complaint.
57. Defendants deny ¶ 57 of Plaintiffs’ Complaint.
58. Defendants deny ¶ 58 of Plaintiffs’ Complaint.

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- 59. Defendants lack sufficient information upon which to form a belief as to the veracity of ¶ 59 and therefore such allegations are denied.
- 60. Defendants deny ¶ 60 of Plaintiffs' Complaint.
- 61. Defendants repeat and reallege all paragraphs of this Answer as if fully set forth herein.
- 62. Defendants deny ¶ 62 of Plaintiffs' Complaint.
- 63. Defendants deny ¶ 63 of Plaintiffs' Complaint.
- 64. Defendants deny ¶ 64 of Plaintiffs' Complaint.
- 65. Defendants deny ¶ 65 of Plaintiffs' Complaint.
- 66. Defendants deny ¶ 66 of Plaintiffs' Complaint.
- 67. Defendants deny ¶ 67 of Plaintiffs' Complaint.
- 68. Defendants deny ¶ 68 of Plaintiffs' Complaint.
- 69. Defendants deny ¶ 69 of Plaintiffs' Complaint.
- 70. Defendants deny ¶ 70 of Plaintiffs' Complaint.
- 71. Defendants deny ¶ 71 of Plaintiffs' Complaint.
- 72. Defendants deny ¶ 72 of Plaintiffs' Complaint.
- 73. Defendants deny ¶ 73 of Plaintiffs' Complaint.
- 74. Defendants repeat and reallege all paragraphs of this Answer as if fully set forth herein.
- 75. Deny and affirmatively allege that to the extent any statements accuse Jack Sternberg of being a criminal, such statements are, in fact, true.
- 76. Defendants deny ¶ 76 of Plaintiffs' Complaint.
- 77. Defendants deny ¶ 77 of Plaintiffs' Complaint.
- 78. Defendants deny ¶ 78 of Plaintiffs' Complaint.
- 79. Defendants deny ¶ 79 of Plaintiffs' Complaint.
- 80. Defendants deny ¶ 80 of Plaintiffs' Complaint.
- 81. Defendants deny ¶ 81 of Plaintiffs' Complaint.

- 1 82. Defendants repeat and reallege all paragraphs of this Answer as if fully set  
2 forth herein.
- 3 83. Defendants deny ¶ 83 of Plaintiffs' Complaint.
- 4 84. Defendants deny ¶ 84 of Plaintiffs' Complaint.
- 5 85. Defendants deny ¶ 85 of Plaintiffs' Complaint.
- 6 86. Defendants deny ¶ 86 of Plaintiffs' Complaint.
- 7 87. Defendants deny ¶ 87 of Plaintiffs' Complaint.
- 8 88. Defendants deny ¶ 88 of Plaintiffs' Complaint.
- 9 89. Defendants deny ¶ 89 of Plaintiffs' Complaint.
- 10 90. Defendants deny ¶ 90 of Plaintiffs' Complaint.
- 11 91. Defendants deny ¶ 91 of Plaintiffs' Complaint.
- 12 92. Defendants deny ¶ 92 of Plaintiffs' Complaint.
- 13 93. Defendants deny ¶ 93 of Plaintiffs' Complaint.
- 14 94. Defendants repeat and reallege all paragraphs of this Answer as if fully set  
15 forth herein.
- 16 95. Defendants deny ¶ 95 of Plaintiffs' Complaint.
- 17 96. Defendants deny ¶ 96 of Plaintiffs' Complaint.
- 18 97. Defendants deny ¶ 97 of Plaintiffs' Complaint.
- 19 98. Defendants deny ¶ 98 of Plaintiffs' Complaint.
- 20 99. Defendants deny ¶ 99 of Plaintiffs' Complaint.
- 21 100. Defendants deny ¶ 100 of Plaintiffs' Complaint.
- 22 101. Defendants deny ¶ 101 of Plaintiffs' Complaint.
- 23 102. Defendants repeat and reallege all paragraphs of this Answer as if fully set  
24 forth herein.
- 25 103. Defendants deny ¶ 103 of Plaintiffs' Complaint.
- 26 104. Defendants deny ¶ 104 of Plaintiffs' Complaint.
- 27 105. Defendants deny ¶ 105 of Plaintiffs' Complaint.
- 28 106. Defendants deny ¶ 106 of Plaintiffs' Complaint.



- 1 107. Defendants deny ¶ 107 of Plaintiffs' Complaint.  
2 108. Defendants deny ¶ 108 of Plaintiffs' Complaint.  
3 109. Defendants deny ¶ 109 of Plaintiffs' Complaint.  
4 110. Defendants deny ¶ 110 of Plaintiffs' Complaint.  
5 111. Defendants repeat and reallege all paragraphs of this Answer as if fully set  
6 forth herein.  
7 112. Defendants deny ¶ 112 of Plaintiffs' Complaint.  
8 113. Defendants repeat and reallege all paragraphs of this Answer as if fully set  
9 forth herein.

10 **General Denial**

11 Xcentric generally denies each and every allegation of the Complaint except as  
12 otherwise expressly admitted herein.

13 **AFFIRMATIVE DEFENSES**  
14 **FIRST AFFIRMATIVE DEFENSE**  
(Failure to State Claim)

15 The Complaint fails to state any claim upon which relief may be granted because  
16 Magedson and Xcentric may not be treated as the publisher of any of the statements at  
17 issue in this matter pursuant to 47 USC ¶230.

18 **SECOND AFFIRMATIVE DEFENSE**  
(Unclean Hands)

19 The Complaint and each cause of action set forth therein is barred by the doctrine  
20 of unclean hands.  
21

22 **THIRD AFFIRMATIVE DEFENSE**  
(Truth)

23 Any defamation-based claims set forth in the Complaint are barred to the extent  
24 that the statements which form the basis for such claims are, in fact, true.  
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**FOURTH AFFIRMATIVE DEFENSE**  
(Lack of Intent; Actual Malice)

Notwithstanding the fact that Xcentric did not publish any of the alleged defamatory or unlawful statements at issue in this case, any defamation-based claims set forth in the Complaint are barred to the extent that Plaintiff is a public figure and Defendants lacked actual malice and/or negligence sufficient to support any defamation-based claims.

**FIFTH AFFIRMATIVE DEFENSE**  
(Consent)

All claims in the Complaint are barred to the extent Plaintiffs consented to the publication of such statements.

**SIXTH AFFIRMATIVE DEFENSE**  
(Incremental Harm)

All claims in the Complaint are barred to the extent that any false statements of an concerning Plaintiffs caused no greater harm than would be caused by the publication of the truth about Plaintiffs.

**SEVENTH AFFIRMATIVE DEFENSE**  
(Communications Decency Act Immunity)

All claims set forth in the Complaint are barred to the extent that the content of the statements which form the basis for such claims was provided by third parties. As such, pursuant to 47 U.S.C. § 230(c)(1), Defendants are absolutely immune from civil liability for any such statements posted by third parties.

**WHEREFORE**, having fully answered Plaintiffs' Complaint, Defendants **XCENTRIC VENTURES, L.L.C.** and **ED MAGEDSON** pray for the following relief:

- A. Dismiss Plaintiffs' Complaint with prejudice and order that Plaintiffs take nothing thereby;
- B. Deny, with prejudice, all equitable, injunctive, and/or declaratory relief in any form requested by Plaintiffs;

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- C. Award judgment for all reasonable attorney's fees incurred in favor of Defendants and against Plaintiffs pursuant to A.R.S. § 12-349, Ariz. R. Civ. P. 11, and/or under any other applicable authority;
  - D. Any other relief deemed appropriate by the Court.
- DATED this 29<sup>th</sup> day of September 2008.

**JABURG & WILK, P.C.**

s/Maria Crimi Speth  
Maria Crimi Speth  
Attorneys for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2008 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Email: [mdana@holdenwillits.com](mailto:mdana@holdenwillits.com)

Attorneys for Plaintiffs

With a COPY of the foregoing delivered to:

Honorable Michelle H. Burns  
United States District Court  
District of Arizona

s/Debra Gower

JABLON & WILK, P.C.  
ATTORNEYS AT LAW  
3200 NORTH CENTRAL AVENUE  
SUITE 2000  
PHOENIX, ARIZONA 85012