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Attorney for Plaintiffs,
Asia Economic Institute, LLC,
Raymond Mobrez, and
Iliana Llaneras

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

ASIA ECONOMIC INSTITUTE, LLC,
a California LLC; RAYMOND
MOBREZ an individual; and ILIANA
LLANERAS, an individual,

Plaintiffs,

vs.

XCENTRIC VENTURES, LLC, an
Arizona LLC, d/b/a as BADBUSINESS
BUREAU and/or
BADBUSINESSBUREAU.COM
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; EDWARD
MAGEDSON an individual, and DOES
1 through 100, inclusive,

Defendants.

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

**DECLARATION OF DANIEL F.
BLACKERT IN RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS PURSUANT TO
FED.R.CIV.P. 12(b)(6) AND
FED.R.CIV.P. 9(b)**

**Hearing Date: September 20, 2010
Time: 1:30 p.m.
Courtroom: 6**

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

3 1. My name is Daniel Blackert. I am a United States Citizen, a
4 resident of the State of California, am over 18 years of age, and if called to
5 testify in Court or other proceeding I could and would give the following
6 testimony which is based upon my own personal knowledge unless otherwise
7 stated.

8 2. I am an attorney, licensed to practice law in the State of California.
9 I am an active member, in good standing, with the State of California. I am also
10 admitted to practice in the United States District Court for the Central District of
11 California.

12 3. I have been employed by Asia Economic Institute LLC as their
13 attorney for this matter since December 2009. My Co-Counsel in this case is
14 Lisa J. Borodkin. I have been involved in the litigation since its inception. I
15 have possession of Plaintiffs' files with respect to this case, and I am personally
16 familiar with the contents thereof.

17 4. I am writing in response to Defendants' Motion to Dismiss which
18 involves Plaintiffs' R.I.C.O. claim predicated on wire fraud.

19 5. I met and conferred with Defendants counsel, Maria Speth, on
20 August 14, 2010, regarding possibly stipulating to the following: Defendants
21 withdraw their Motion to Dismiss in exchange for Plaintiffs' striking their wire
22 fraud claim from their Complaint. I have not heard back from Defendants
23 Counsel. My intentions were to work with Defense Counsel in order to avoid
24 filing with Declaration. However Plaintiffs' response to the aforementioned is
25 due today, August 16, 2010.

26 6. Although Plaintiffs' believe that their wire fraud claim has merit
27 and was brought in good faith, they have decided to withdraw it.
28

1 7. Plaintiffs' filed their amended Complaint concurrently with this
2 Declaration, thereby making Defendants' Motion moot. A response from
3 Plaintiffs, other than this Declaration, is not necessary. However, out of an
4 abundance of caution I am filing this Declaration to inform the Court as to why
5 Plaintiffs have not responded.

6 8. The hearing date for the aforementioned Motion is September.
7 However, since the Motion is moot, I would respectfully recommend, with
8 Defendants' consent, that the Court remove it from its calendar. I do not want to
9 waste this Court's resources or time.

10 9. In addition, since the remaining claims of Plaintiffs' Complaint are
11 all State law claims, Plaintiffs' believe that the case should be remanded back
12 down to State Court as this Federal Court no longer has jurisdiction to hear the
13 case.

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

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18 EXECUTED ON: August 16, 2010, 2010

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20 /s/Daniel F. Blackert

21 Daniel F. Blackert, Esq.
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