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

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

11  
 12 ASIA ECONOMIC INSTITUTE, LLC, )  
 a California LLC; RAYMOND )  
 13 MOBREZ an individual; and ILIANA )  
 LLANERAS, an individual, )

14 Plaintiffs, )

15 vs. )

16 XCENTRIC VENTURES, LLC, an )  
 17 Arizona LLC, d/b/a as BADBUSINESS )  
 BUREAU and/or )  
 18 BADBUSINESSBUREAU.COM )  
 and/or RIP OFF REPORT and/or )  
 19 RIPOFFREPORT.COM; BAD )  
 20 BUSINESS BUREAU, LLC, organized )  
 and existing under the laws of St. )  
 21 Kitts/Nevis, West Indies; EDWARD )  
 MAGEDSON an individual, and DOES )  
 22 1 through 100, inclusive, )

23 Defendants.  
 24

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

**NOTICE OF NON-OPPOSITION  
 TO DEFENDANTS' MOTION TO  
 DISMISS PLAINTIFFS' THE FIRST  
 AND SECOND CAUSES OF  
 ACTION OF ACTION IN  
 PLAINTIFFS' FIRST AMENDED  
 COMPLAINT [Declaration of Daniel  
 F. Blackert filed concurrently  
 herewith]**

**Motion Date: September 20, 2010  
 Courtroom: 6  
 Time: 1:30 PM**

25 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD HEREIN:**

26 **PLEASE TAKE NOTICE** that this Non-Opposition to Defendants' Motion  
 27 to Dismiss the First and Second Causes of Action in Plaintiffs' First Amended  
 28 Complaint is filed by Plaintiffs Asia Economic Institute, Raymond Mobrez, and

1 Iliana Llaneras, by and through their respective counsel of record, on the basis of  
2 the following:

- 3 A. WHEREAS, the basis for Defendants' Motion to Dismiss Plaintiffs'  
4 First Amended Complaint, was solely, wire fraud.
- 5 B. WHEREAS, Plaintiffs concurrently move for leave to amend the  
6 pleadings to file a Second Amended Complaint which eliminates the  
7 First and Second Causes of Action for RICO, 18 U.S.C., Section  
8 1962(c) and (d) predicated on wire fraud;
- 9 C. WHEREAS, Defendants Motion to Dismiss is moot as it eliminates  
10 the causes of action for RICO, 18 U.S.C., Section 1962(c) and (d)  
11 predicated on wire fraud 18 USC, Section 1343 and asked Defendants  
12 to stipulate to the amendment (See Declaration of Daniel F. Blackert);
- 13 D. WHEREAS, this Court at the hearing on July 12, 2010, and in the  
14 written Order dated July 19, 2010 ordered that the case remains  
15 bifurcated as to the RICO Causes of Action only (DN-94 at page 53:  
16 15-16);
- 17 E. WHEREAS, Defendants improperly seeks dismissal of the Third,  
18 Eleventh, and Twelfth, causes of action despite the Court's Order  
19 bifurcating the RICO Causes of Action and stating that it was  
20 inappropriate for Defendants to file a MSJ as to bifurcated State Law  
21 Causes of Action;
- 22 F. WHEREAS, the Court, in its Order of July 19, 2010 stated: "Although  
23 Defendants moved for summary judgment as to Plaintiffs' entire case,  
24 such motion was inappropriate given the Court's prior Order  
25 bifurcating the RICO/Extortion claims from the remaining claims and  
26 from the issue of damages." (DN-94 at page 17 at 16-20)
- 27  
28

1 G. WHEREAS, Plaintiffs will also promptly move to remand this action  
2 to California Superior Court, County of Los Angeles for  
3 determination of the remaining claims, which all arise under state law;

4 H. WHEREAS, Plaintiffs will move to consolidate the hearings on  
5 Defendants' Motion to Dismiss with Plaintiffs' Motion for Leave to  
6 Amend the Pleadings, and Motion for Remand, in the interests of  
7 judicial economy and economy;

8 I. WHEREAS, on August 14, 2010, Plaintiffs requested Defendants to  
9 stipulate to Plaintiffs proposed amendment on the RICO/wire fraud  
10 claims, Motion to Remand, however, Defendants have not responded.  
11

12  
13  
14 NOW THEREFORE, the Defendants filed this Notice of Non-Opposition to  
15 Defendants' Motion to Dismiss, in as much as it addresses the First and  
16 Second Causes of Action of Plaintiffs' First Amended Complaint.  
17

18 DATED: August 16, 2010

**Asia Economic Institute**

/s/ Daniel F. Blackert

By: \_\_\_\_\_

DANIEL F. BLACKERT  
Attorneys for Plaintiffs,  
Asia Economic Institute, Raymond  
Mobrez, and Iliana Llaneras

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# EXHIBIT A

1  
2 Meet and Confer

3 ...

Daniel Blackert <blackertesq@yahoo.com>

4 From: ...

View Contact

5 To: Maria Speth <mcs@jaburgwilk.com>; david gingras <david@ripoffreport.com>

6 Cc: Lisa Borodkin <lborodkin@gmail.com>

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7 I am writing this email to meet and confer with you regarding several issues.

8  
9 1-We will respond to your Rule 11 Motion by amending our First Amended  
10 Complaint ("FAC"). We have analyzed our FAC very closely and will strike out certain  
11 paragraphs, however we do not plan to strike every paragraph mentioned in your  
12 Rule 11 Motion as we believe that many of your allegations which you  
13 characterize as untrue are, in reality, backed up by the evidence we have  
14 presented.

15 2-We will respond to your Motion to Dismiss by amending our FAC and striking  
16 out  
17 our wire fraud cause of action and then simultaneously moving to remand to  
18 State  
19 Court.

20 3-Likewise, we believe that by striking out our wire fraud claim your Motion to  
21 Dismiss essentially becomes moot as it only addresses the aspects of our wire  
22 fraud claim.

23 4-We will also file a Motion for reconsideration regarding the RICO/extortion  
24 cause of action.

25 5-We plan to make these filings on Monday so I would like to know your response  
26 to these issues and the possibility of resolving them absent Court  
27 intervention.

28 6-I am attaching the proposed amendments and requesting that you stipulate to  
review the issues above and consider stipulating to any of them. This would  
save the Court time and convenience, especially since we are dropping the wire  
fraud claim, your Motion to Dismiss is essentially and technically moot, so you  
may want to withdraw it; I think Judge Wilson will look favorably upon this.

7-Are you available any time either tomorrow (I know it is not a business day  
and I understand if you are unavailable but at your convenience I am available

1 anytime before 3:30 PM) or Monday for a telephonic meet and confer?

2 Thanks you and I look forward to resolving the issues addressed above,

3 Daniel F. Blackert, Esq.  
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