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7  
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9 Xcentric Ventures, LLC and  
10 Edward Magedson

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

13 **ASIA ECONOMIC INSTITUTE, LLC, et al.,**

14 **Plaintiffs,**

15 **vs.**

16 **XCENTRIC VENTURES, LLC, et al.,**

17 **Defendants.**

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

**DECLARATION OF  
DAVID S. GINGRAS IN SUPPORT  
OF DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION TO  
REMAND**

Hearing Date: April 26, 2010  
Time: 1:30 PM  
Courtroom: 6 (Hon. Steven Wilson)

Complaint Filed: Jan. 27, 2010

18  
19 I, David S. Gingras declare as follows:

20 1. My name is David Gingras. I am a United States citizen, a resident of the  
21 State of Arizona, am over the age of 18 years, and if called to testify in court or other  
22 proceeding I could and would give the following testimony which is based upon my own  
23 personal knowledge unless otherwise stated.

24 2. I am an attorney licensed to practice law in the States of Arizona and  
25 California, I am an active member in good standing with the State Bars of Arizona and  
26 California and I am admitted to practice and in good standing with the United States  
27 District Court for the District of Arizona and the United States District Court for the  
28 Northern, Central, and Eastern Districts of California.

**DECLARATION OF DAVID S. GINGRAS**





# Exhibit A

ASIA ECONOMIC INSTITUTE  
DANIEL F. BLACKERT, ESQ.  
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March 31, 2010

*Via email and U.S. Mail*

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

Dear Mr. Gingras:

I am responding to your letter dated March 30, 2010. To answer your question, my client is seeking in excess of \$75,000.00 in this case. This figure includes both damages and attorney's fees.

Rather, we are focusing on the diversity requirement for federal subject matter jurisdiction under 28 U.S.C. § 1332. As the party seeking removal, it is your burden to show that complete diversity exists. A self-serving affidavit from your client will not meet this burden. McNatt v. Allied-Signal, Inc., 1992 U.S. App. LEXIS 28787. Furthermore, there is still conflicting evidence whether your client lives in California or Arizona. On the one hand, your client in an email exchange with my client admits that he lives in California. On the other hand, you openly admitted to me that your client does not live in California and lied to my client about his residence in hopes

of being sued in California and gaining the advantage of the Anti-SLAPP statute. A week after you admitted this to me, you filed such a motion. Finally, strangely enough your client submitted a sworn affidavit to the Court stating that he lied about living in California because my client had threatened him. Please be aware that your client's statements completely contradict our conversation where you told me that your client lied in order to benefit from the Anti-SLAPP statute. This means that your client may have **lied** in his affidavit to the Court. This is a very serious matter and we are currently investigating it and considering the repercussions.

I look forward to hearing from you soon.

Very truly yours,



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Daniel F. Blackert, Esq.