

1 who Taylor Banks is. It has nothing to do with Ripoff
2 Report.

3 Q What is Reputation Solution?

4 MR. GINGRAS: Foundation.

5 Q BY MS. BORODKIN: You can answer. 14:58:11

6 A I have -- my crystal ball is not with me
7 today, but I -- there is no -- I have no idea knowing
8 what they are. I can assume from the e-mail what they
9 are, but I have no idea what they are.

10 Q What do you assume from the e-mail that they 14:58:27
11 are?

12 A This is one of over probably a thousand
13 companies -- and that's literally a thousand
14 companies -- that may claim that they can remove Ripoff
15 Report, or they can remove a Ripoff report. And there 14:58:42
16 is nothing that they can remove. They can do what they
17 call SEO work and try to move down and put up phony
18 ridiculous blog kind of things and -- to try to move
19 down, which only works maybe 1 out of 20 times.

20 Q Why is that? 14:59:07

21 A I don't know why because I'm not in that
22 business. I can -- I can only guess, and there is no
23 reason for me to guess, so...

24 Q Would Ben Smith know?

25 A I have -- I have no idea what Ben Smith might 14:59:21

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1 know in that area or not know. How could he know what
2 another company can do or can't do? I don't know what
3 another company can do or can't do. I only go by
4 what -- I'm only going by what other SEO people have
5 told me.

14:59:40

6 Q Like who?

7 A I don't know. Like who?

8 Q What SEO people?

9 A I don't know. I can't think of any name in
10 particular.

14:59:48

11 Q Have you consulted an SEO consultant?

12 A No, but SEO people call me all the time for
13 their clients.

14 Q Why do they call you?

15 A They are interested in reputation management
16 for their clients.

14:59:59

17 Q In what regard are they interested in that?

18 A To try and help them with their online
19 reputation, and they don't engage in this kind of
20 activity. It's considered illegal. It's frowned upon
21 by search engines.

15:00:13

22 Q What kind of activity are you referring to?

23 A Where they bombard the search engine with
24 like -- let's say you had XYZ Law California, and XYZ
25 Law had some complaints about them. The way an SEO

15:00:32

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1 company -- one of these bad companies would handle
2 it -- I call them bad -- they would bombard the
3 Internet or the search engines with useless blogs and
4 other things to try and push down, whether it be Ripoff
5 Report, another negative complaint site or something on 15:00:55
6 the Internet.

7 Q You think Ripoff Report is a negative
8 complaint site?

9 A It's -- people post negative and positive on
10 Ripoff Report. 15:01:08

11 Q What kind of positive do they post?

12 MR. GINGRAS: Foundation.

13 Q BY MS. BORODKIN: You can answer it.

14 A Yeah, could you be more specific?

15 Q Whatever you were referring to. 15:01:17

16 A They file positive rebuttals to any kind of a
17 complaint. They are filed -- as we sit here, they are
18 being filed.

19 Q Anything else?

20 A Anything else? 15:01:33

21 Q That's positive that gets posted on Ripoff
22 Report that you can think of?

23 A Positive. A positive is positive. I mean, I
24 don't know how you want me to elaborate.

25 Q Well, besides rebuttals, who are written by 15:01:50

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1 the subjects of the reports, are there any other
2 positive kinds of things that are posted on Ripoff
3 Report?

4 A Sure. There is stuff that we post about the
5 CAP members. 15:02:03

6 Q Aside from the things that the subjects of the
7 Ripoff reports post as rebuttals and the things that
8 you post as CAP reports and investigation results, are
9 there any other -- are there any other kinds of
10 positive things that are posted on RipoffReport.com? 15:02:18

11 A Those positive things can include a number of
12 different things, which I can't even imagine, so I'm
13 not sure if this is a loaded question or not. I don't
14 know. I can't sit here -- I could start guessing what
15 kind of things could be posted, but I'm sure birth 15:02:34
16 announcements and happy birthdays --

17 Q I don't want you to guess, Mr. Magedson.

18 A Okay. But I don't know. There's no way I
19 know. It's usually positive things, experiences the
20 companies -- consumers would have. 15:02:47

21 Q Have any of those types of things been posted
22 on Ripoff Report?

23 MR. GINGRAS: Foundation.

24 THE WITNESS: All day long.

25 Q BY MS. BORODKIN: Could you give me one 15:02:56

1 example?

2 A No, I wouldn't even -- I wouldn't want to pick
3 on a company or pick out something that's used in this
4 deposition.

5 Q Why do SEO companies contact you? 15:03:05

6 A Well, they can inquire about the CAP program.

7 Q What about it?

8 A They will inquire just about it. They will
9 e-mail and just ask about their -- you know, the
10 program and -- 15:03:30

11 Q For themselves?

12 A No, probably for their -- their -- for one of
13 their clients.

14 Q And do you talk to these SEO consultants?

15 A Talk? Usually it's an e-mail. 15:03:46

16 Q So you have e-mails from SEO consultants

17 wanting to find out about the CAP program?

18 A Probably.

19 Q Where would those be?

20 A Let me just tell you, they would be really 15:03:58

21 hard to find because there is no keyword or something
22 that I can figure out to put in. You know, if I put in
23 the word SEO, I'd come out with thousands of e-mails.

24 Q Why is SEO such a common term in your e-mails?

25 A Because SEO was the common term for search 15:04:18

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1 engine optimization.

2 Q And why is search engine optimization such a
3 common term in your e-mails?

4 A Because people will refer to it, oh, I looked
5 into SEO, or SEO is just a common term. 15:04:37

6 Q What do you mean people will refer to it?

7 A I don't know.

8 Q What do you know about SEO?

9 A I don't know. Could you be more specific?

10 Q Why would people be referring to SEO in your
11 e-mails? 15:04:53

12 MR. GINGRAS: Foundation.

13 Q BY MS. BORODKIN: You can answer.

14 A Somebody could say, I tried SEO and it didn't
15 work. Somebody can say, I am an SEO company; I'm
16 checking this out for my client. 15:05:10

17 Q Have they said those things?

18 A And then there is other things that have the
19 letters SEO in it that it's just -- it's hard. It's --

20 Q Have they said those things to you? 15:05:25

21 A What's that? What things?

22 MS. BORODKIN: Could you read back his
23 previous answer.

24 (The requested portion of the record was
25 read by the court reporter.) 15:05:31

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1 MS. BORODKIN: I tried SEO and it didn't
2 work, and then what was the second thing? I'm an SEO
3 something.

4 (The requested portion of the record was
5 read by the court reporter.) 15:06:17

6 Q BY MS. BORODKIN: Okay. Let's start with the
7 first one. Has anyone written to you, I tried SEO and
8 it didn't work?

9 A Yes.

10 Q And what do you think they meant by, "It 15:06:26
11 didn't work"?

12 MR. GINGRAS: Form.

13 THE WITNESS: Meaning they paid
14 thousands of dollars -- tens of thousands of dollars
15 and got ripped off. 15:06:36

16 Q BY MS. BORODKIN: What do you mean they got
17 ripped off?

18 A They got ripped off by the SEO company.

19 Q And what did they pay these thousands of
20 dollars hoping to accomplish? 15:06:45

21 MR. GINGRAS: Form. Foundation.

22 Q BY MS. BORODKIN: You can answer that.

23 A Okay. From what I understand -- and I'm not
24 sure about this particular company, because I've
25 never -- okay, what's your question? 15:06:55

1 MS. BORODKIN: Could you read back the
2 question, please.

3 (The requested portion of the record was
4 read by the court reporter.)

5 THE WITNESS: I would be speculating, so 15:07:30
6 I could tell you what I think the services are and what
7 they are, but -- what I think they are, but I don't
8 know about this specific company.

9 Q BY MS. BORODKIN: That's okay.

10 A But they are all basically the same. They 15:07:42
11 make these same kind of promises, but there really is
12 no promise here. It's like what they are ending up
13 doing, most of these companies, is they -- and not all,
14 because there are some legitimate SEO companies out
15 there where they do positive marketing for your 15:07:57
16 business.

17 But these ones -- companies like this
18 wait for a report to be filed and send the company an
19 e-mail saying, oh, we can get that. Did you know that
20 that's there; that we can get that removed? You know, 15:08:10
21 we can -- whatever. And they charge a lot of money for
22 it. And this developed after Ripoff Report became
23 popular. And then other sites have popped up, so they
24 do it to those companies, too.

25 Q It can be kind of confusing to be inundated 15:08:31

1 with these kinds of e-mails from a bunch of different
2 places offering to fix things or change things; don't
3 you agree?

4 MR. GINGRAS: Form.

5 THE WITNESS: For who can it be? You 15:08:42
6 know, you are making a statement and you are asking me
7 to agree. I just want to understand what you just --
8 who is it confusing for?

9 Q BY MS. BORODKIN: If there is thousands of
10 companies that are trying to market this type of 15:08:56
11 service, it can be confusing to the people they are
12 marketing to?

13 A Yeah. What's even more confusing, there's a
14 number of companies -- there's a number of them that
15 operate on under literally hundreds of different names. 15:09:08
16 There's companies out there that market under -- like
17 they compete with each other. Just like garage door
18 companies do in a lot of towns, they inundate the ads
19 with garage door ads, and it's really the same company.
20 You think, you know, you are going to get a competitive 15:09:28
21 bid when you are not. I don't know if you know that or
22 not, but it happens with a number of different types of
23 things in all communities, which is illegal.

24 But anyway -- but a lot of these
25 companies are operating -- they operate under a bunch 15:09:45

1 of different names, and they market and they throw
2 things out there; hopefully somebody is going to run
3 across it. They do e-mails and so on. So, you know,
4 out -- e-mail blasts, just like they did to Raymond
5 Mobrez.

15:10:00

6 Q Okay. Let's look at page 4 of Exhibit 10,
7 which is Plaintiffs' Document 12. It's marked in the
8 lower right. Is this the same kind of thing that we
9 were just talking about?

10 A Oh, is this another one?

15:10:18

11 Q You can compare it to page 3.

12 A I'm just saying, is that -- is that two
13 different companies here, two different e-mails?

14 Q Why don't you take a look and see how it seems
15 to you.

15:10:29

16 A Well, I guess -- yeah. And here again, these
17 could be -- these could be the same company, just
18 marketing two different -- just, you know, like trying
19 to give a competing bid, and they feel one another out.

20 So -- so -- so what is your question? Did you just say
21 like this company here, the one on --

15:11:05

22 Q Does this seem like another example of the
23 thousands of companies --

24 A The other one is just being a little bit
25 more --

15:11:24

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