

1 THE VIDEOGRAPHER: We are going off the  
2 record. The time is 10:46 a.m.

3 (A short recess ensued.)

4 THE VIDEOGRAPHER: We are back on the  
5 record. The time is 10:48 a.m. 10:48:16

6 THE WITNESS: I think you need to  
7 clarify. I don't know what you mean by web history. I  
8 want to make sure we have a full understanding of what  
9 we are talking about.

10 Q BY MS. BORODKIN: Suppose a page was published 10:48:27  
11 in 2005. Would you have any way to look up what that  
12 page said?

13 A It's on the website. Anyone can look it up.

14 Q Are you saying all pages that have ever been  
15 published on the website are currently there right now? 10:48:41

16 A We've been under attack over the years, and  
17 our system was brought down. Could I say -- I would  
18 like to think everything is there. You know, there is  
19 nothing that we delete so -- and you know that. We  
20 don't delete anything, I think you know that. 10:49:06

21 Q Aside from the attacks from outside hackers  
22 and aside from technical problems, has Xcentric ever  
23 deliberately taken down web pages from  
24 RipoffReport.com?

25 A Deliberately, we don't deliberately take 10:49:27

Page 33

1 things down. If a judge asked us to take something  
2 down, it's been taken down and then I reversed and put  
3 back up. If something had a bunch of foul language and  
4 was put up accidentally or was -- insulted possibly a  
5 religious group or it was just totally nonsense, it 10:50:12  
6 could have been taken down. Something had a bunch of  
7 foul language, it could have been taken down.

8 Sometimes people hit the submit button.  
9 And I think this was a problem years ago, not now; they  
10 would click a submit button twice or three times, and 10:50:35  
11 the report would just be repeated. So we would be  
12 notified about that if somebody didn't catch it, and  
13 they would be taken down.

14 Q Any other reasons?

15 A I better not say no, because there could be 10:51:00  
16 something I'm forgetting about, but I can't remember --  
17 I can't remember for what other reason. So if I think  
18 of something, I'll let you know. But there could be,  
19 so...

20 Q Okay. Who makes the decision whether to take 10:51:15  
21 pages down for reasons that include a judge orders it  
22 taken down, foul language, insulting to a religious  
23 group, being nonsense or being a duplicate?

24 MR. GINGRAS: Object to the extent it  
25 calls for attorney-client privilege. 10:51:38

1                   If there is material that wasn't  
2 involved in a discussion between you and your lawyers,  
3 then you can answer.

4                   THE WITNESS: If I got an e-mail, oh,  
5 please look at this; there is nothing. It's very anti     10:51:52  
6 whatever, I mean, or it was disgusting or something, I  
7 mean, I would just make the decision. Of course, if a  
8 judge orders something or there is something through my  
9 attorneys, it just has to come down, but, you know,  
10 then it would come down.                                     10:52:19

11                  Q     BY MS. BORODKIN: Aside from your attorneys --  
12 and without talking about any discussions you've had  
13 with your attorneys -- is there anyone besides you  
14 personally who would make the decision to take  
15 something down from RipoffReport.com?                             10:52:32

16                  A     Nobody.

17                  Q     Has there --

18                  A     Just me.

19                  Q     Has there ever been anybody --

20                  A     No.   10:52:37

21                  Q     -- else?

22                  A     No.

23                  Q     What does a content monitor do?

24                  A     They are the ones that activate the reports.  
25 They are supposed -- they are human, so they can make     10:52:54

1 error. So they are supposed to redact foul language,  
2 Social Security numbers. Something I forgot to tell  
3 you last week, which would be like links to a  
4 competitive business.

5 Q Anything else? 10:53:16

6 A Social Security, bank account numbers,  
7 threats, foul language, banking information. There  
8 could be -- I can't -- there could be something and I'm  
9 not thinking about it.

10 Q Do you have a terms of service that describes 10:53:46  
11 when reports might be taken down for the reasons you've  
12 described a moment ago?

13 A If there is, I have to be honest, I haven't  
14 read it probably in a long, long time, so I forget what  
15 it says. 10:54:01

16 Q Is there a terms of service for your site?

17 A It's listed -- it's right on the website, and  
18 I forget what that is.

19 Q Okay. Have you ever taken down reports upon a  
20 court order? 10:54:13

21 A Yes.

22 Q Have you done it for George S. May?

23 A Yes, and then they were put back.

24 Q Have you done it for anyone else on a court  
25 order? 10:54:31

Page 36

1 A Yeah. The same thing happened, I believe, in  
2 some other cases.

3 Q What other cases?

4 A I can't remember. I could be wrong. It could  
5 be -- I think there was one -- there was maybe several, 10:54:44  
6 but one I remember, a lawyer -- a lawyer. There was a  
7 report about a lawyer. He got a temporary restraining  
8 order, and then the judge reversed his decision like, I  
9 think, less than a week later and allowed us to put it  
10 back. 10:55:04

11 Q Were all of --

12 A But I could be wrong about that. I could be  
13 remembering something and mixing something up, so  
14 that's not a definite.

15 Q What documents would help you remember? 10:55:15

16 A I don't know. I'd have to sift through  
17 lawsuits and find that or discuss it probably with my  
18 attorneys, and they would have to -- they would more  
19 than likely know better than I.

20 Q Have you had the same attorneys during the 10:55:31  
21 whole time Ripoff Report has had the CAP program?

22 A Yes.

23 Q Who are those attorneys?

24 A I refuse. No, I'm kidding. I don't want to  
25 kid. Jaburg -- Maria Speth. 10:55:46

1 Q Good to know. Thank you.

2 You mentioned a bunch of situations

3 where a court has ordered Ripoff reports be taken down,

4 and then you mentioned a couple of situations where

5 Ripoff reports were allowed or ordered to go back up. 10:57:23

6 Are there any cases where a court has ordered Ripoff

7 reports to come down and they stayed down and are not

8 up anymore?

9 A You know, there could be, but I just can't

10 remember. I don't know. I don't remember. 10:57:38

11 Q And what would help you remember?

12 A Some memory medicine. I don't know. I

13 don't -- there is nothing. I don't know. I'm not sure

14 what would make me remember.

15 Q Are there documents that could help you 10:57:54

16 remember?

17 A Probably.

18 Q And who would know about those documents?

19 A You, if you ran across some or --

20 Q Who else? 10:58:02

21 A My attorneys.

22 Q Who writes the terms of service?

23 MR. GINGRAS: Objection to the extent it

24 calls for attorney-client privilege.

25 Q BY MS. BORODKIN: You can answer. 10:58:20

Page 39

1 A Terms of service are written by my legal team.  
2 Q And do you approve them?  
3 A Yes.  
4 Q Do you understand them?  
5 A Hopefully. 10:58:35  
6 Q Do you think you understand them?  
7 A I haven't read them in a long time, so I  
8 can't -- I can't remember, so I can't give you an  
9 answer whether or not I questioned them at the time. I  
10 can't remember. 10:58:56  
11 Q As you sit here now, do you think you  
12 understood them at the time that you approved them?  
13 A If I read them completely, yes.  
14 Q Do you have any reason to think that you  
15 wouldn't have read them completely? 10:59:09  
16 A I read a lot of things, and a lot of times I  
17 read things that I miss things, so...  
18 Q Do you approve things for your website that  
19 you've not read carefully?  
20 MR. GINGRAS: Objection. Form. 10:59:22  
21 Q BY MS. BORODKIN: You can answer if you  
22 understand.  
23 A I could have. Tired, you know, being  
24 careless. It's called skimming, and so it's possible.  
25 Q Have you ever taken down a Ripoff report about 10:59:36

1 Sergei Brin?

2 A Oh, I can't forget how many years ago that is.  
3 It's got to be maybe more than four or five years ago.  
4 Some guy was calling me threatening that he's going to  
5 post complaints about -- that's like one of the owners 11:00:02  
6 of Google. And yes, so I removed that, because he was  
7 doing it on purpose to retaliate, so...

8 Q Retaliate about what?

9 A Because he was -- because I wouldn't remove  
10 stuff and Google wouldn't remove stuff, and he was 11:00:31  
11 retaliating. But this is more than four years ago,  
12 five years ago, and I can't remember the exact, but I  
13 remember getting a call a long time ago regarding that  
14 and the guy giving me a hard time on the phone and  
15 being a real jerk, I remember, but I can't remember 11:00:49  
16 exactly.

17 Q Did you ever have a report up about Google?

18 A Google, I don't know about. Sergei Brin, yes.

19 Q Is Sergei Brin in the CAP?

20 A No. 11:01:05

21 Q Have you ever taken down a report about Larry  
22 Evans?

23 A I have no idea who Larry Evans is.

24 Q Why did you take down the Ripoff Report about  
25 Sergei Brin? 11:01:22

Page 41



1 MR. GINGRAS: Objection. Misstates his  
2 testimony.

3 THE WITNESS: Because I was personally  
4 told that he's going to file phony reports about  
5 Google, anybody he could find out that I was doing 11:01:37  
6 business with or whatever, so...

7 Q BY MS. BORODKIN: Who personally told you  
8 this?

9 A This -- the individual who authored that thing  
10 about Sergei Brin. In fact, it was disgusting what he 11:01:51  
11 wrote, so -- and shouldn't have gone through. It was  
12 something we would have taken down or redacted.

13 Q So what triggered your decision to take it  
14 down?

15 A What triggered -- 11:02:14

16 MR. GINGRAS: Objection. Misstates his  
17 testimony.

18 THE WITNESS: I already told you, the  
19 guy called me and told me he was doing this.

20 I wouldn't -- I wouldn't do anything for 11:02:27  
21 him right now.

22 Q BY MS. BORODKIN: Why not?

23 A Payback.

24 Q For what?

25 A For what he did to you last time. He ignored 11:02:34