

# EXHIBIT 15



Lisa Borodkin &lt;lborodkin@gmail.com&gt;

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## Your call

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Lisa Borodkin &lt;lborodkin@gmail.com&gt;

Wed, May 19, 2010 at 11:41 PM

To: david@ripoffreport.com

Cc: Daniel Blackert &lt;blackertesq@yahoo.com&gt;, Maria Crimi Speth &lt;mcs@jaburgwilk.com&gt;

Hi David,

Thanks. I appreciate very much your setting forth your position, your timing on the summary judgment motion, and clarifying the reason for your call.

### 1. Protective Order Comments

You've had our position since May 11. We met and conferred on that already and decided we need to bring a motion. In brief: you want one; we don't.

For your ease of reference, however, I am copying and pasting below the relevant portion of my May 11, 2010 email to you, which stated our position and our proposal for resolving the dispute:

*"Protective order regarding confidentiality*

*We do not believe a protective order regarding confidentiality is necessary. Our position is that we would stipulate to a narrow protective order to facilitate Mr. Magedson's deposition to keep the location and time confidential and to redact from the transcript any information identifying his location or address if used in a public filing."*

That position, and our proposal, has not changed since our May 11, 2010 meet and confer.

We talked at the May 11, 2010 meet and confer if you were "all or nothing" on a protective order. Please correct me if your recollection differs, but I believe you indicated that you were.

Since we have to do a motion by stipulation under Local Rule 37-1 regardless, you are welcome to put your position on that in your portion of the stipulation.

To amplify our position on the protective order, we think there is a significant public policy in having the court record of this case in the public record. This is due to the great number of similar cases already litigated and currently being litigated all over the country against your client, and from the Court's own comments indicating that review of other cases should streamline the trial in this action.

I honestly do not remember if I said I would get you comments on the draft. It seems to me that if the plaintiffs will not agree to a protective order (with the narrow exception I described above regarding Mr. Magedson's personal safety), there is no purpose to negotiating one. Part of our position was also based on the fact that we don't think a lengthy negotiation process should hold up discovery for our August 3, 2010 trial. However, if that is what I said, then as a courtesy, I will provide our comments.

Notwithstanding that, you should proceed on the assumption that we do not believe a protective order is desirable or warranted, particularly as you took our client's deposition on May 7, 2010 without one. You should in no way take my comments on your draft to be an indication that we will agree to a protective order.

### 2. Rescheduling Deposition on Rule 30(b)(6) Topics

With respect to the 30(b)(6) deposition notice - That is fine. I understand you will want to reschedule that, just as we voluntarily agreed to reschedule the deposition of Mr. Magedson pending resolution of the Protective Order. The deposition notice is primarily to give you the earliest possible indication of the topics on which you should starting having Xcentric's designated witness prepare, regardless of whether we do it under a Protective Order or not.

### 3. Rule 30(e) Review of Deposition Transcript

As for the waiver of 30(e) review, there are two issues here.

(a), whether review of the deposition transcript was actually waived, and (b) whether your position is based on convenience or a technicality.

As for (a) I only have the rough transcript and do not see the exchange you are describing in the rough. I believe you, but I have to speak to co-counsel about that.

As for (b), I fully understand that you do not want to hold up filing your motion. You shouldn't, if you think you are ready.

However, the deponent's desire to review and correct his transcript should not hold up your motion. If there is a correction that comes up after the filing of your motion, I would ask that you let us have it corrected, and deal with it during the briefing.

You were there for that deposition, and you know what is important, so allowing him to review it after the fact shouldn't prejudice your ability to prepare and file the motion. I think with such an important piece of evidence, you'd ultimately want it to be accurate. Even if you filed on Monday, we could definitely arrange for you to have any corrections in advance of your Reply.

In any event, as you know, I placed an objection on the record under Rule 30(c)(2) as to your manner of conducting the deposition - namely, that you wanted only one of us to be able to make objections, and you threatened to have security escort me out of the building that day.

As you know, we are planning to make a discovery motion on the conduct of depositions. We met on conferred on such issues as what I see in the transcript as you cutting off the deponent and not allowing him to complete his answers.

I'd be willing to include the 30(e) issue along with the rest if you don't find what I am suggesting a reasonable accommodation.

Lisa

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