

# EXHIBIT 2

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Attorneys for Defendants  
Xcentric Ventures, LLC and  
Edward Magedson

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

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

**Plaintiffs,**

**vs.**

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

**Defendants.**

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

**DEFENDANT XCENTRIC  
VENTURES' FIRST SET OF  
REQUESTS FOR PRODUCTION;  
INTERROGATORIES;  
REQUESTS TO ADMIT**

**TO: ASIA ECONOMIC INSTITUTE, LLC  
c/o Daniel F. Blackert, Esq.  
Asia Economic Institute  
11766 Wilshire Blvd., Suite 260  
Los Angeles, CA 90025**

Pursuant to Fed. R. Civ. P. 33, 34 & 36, Defendants XCENTRIC VENTURES, LLC and Ed Magedson propound the following request for production, admissions and non-uniform interrogatories, each of which is to be answered fully and separately, in writing, under oath and within thirty (30) days from the date of service. These interrogatories are continuing interrogatories under Fed. R. Civ. P. 26(e), and all your answers must be supplemented in accordance with Rule 26(e).

INSTRUCTIONS FOR USE IN RESPONDING

A. All information is to be divulged which is in the possession, custody or control of each individual or corporate party, their attorneys, insurance claim representatives, investigators, agents, employees or other representatives, including all information reasonably available to them.

B. Where an individual interrogatory calls for an answer, which involves more than one part or sub-part, each part of the answer should be set forth separately so that it is clearly understandable and responsive to the respective sub-part.

C. The terms "writing" or "written" are intended to include but not necessarily be limited to the following: other means of recording upon any tangible thing any form of communications, including letters, words, pictures, sounds or symbols or combinations thereof; and it further includes any oral communication later reduced to a writing or confirmed by a letter.

D. The terms "document" or "documents" are intended to include but not necessarily be limited to the following: files, notes, memoranda, correspondence or letters of any kind, intra-departmental or office communications, written statements or reports, either signed or unsigned, records or taped interviews or statements, maps, plats, photographs, moving or still pictures, diagrams, plans, drawings, specifications, measurements, or other descriptions, agreements, contracts, records, and computer files in any format and printouts thereof. The term "document" shall include both originals and all copies which are not identical with the original or which contain any commentary or notation that does not appear on the original.

E. The term "investigation" means any investigation whether conducted by an employee of any governmental entity or any private person, including representatives of any insurance company or an attorney. It is intended to include any inquiry into the facts underlying the basis of the claims and defenses presented herein, and any communication with any person thought to have knowledge about the facts. However, it is not intended to include any communication to which a privilege is claimed between the answering party and its attorney.

F. If you contend that the answer to any interrogatory is privileged, in whole or in part, or if you object to any interrogatory, in whole or in part, state the reasons for such objection and identify each person having knowledge of the factual basis, if any, on which the privilege is asserted.

1 G. When an interrogatory requests that you "identify," or state the "identity" of  
2 a person, you are requested to provide his or her:

- 3 1. Full name;
- 4 2. Present or last known address or, if unknown, the last known  
whereabouts;
- 5 3. Phone number;
- 6 4. Present employer's name and address;
- 7 5. Occupational position or classification.

8 H. Unless otherwise directed, when an interrogatory asks that you "identify" a  
9 document or writing, please state:

- 10 1. Its nature (e.g., letter, memorandum, report, etc.);
- 11 2. Its title, if any;
- 12 3. The date it was prepared;
- 13 4. The date it was sent;
- 14 5. The date it was received;
- 15 6. The identity, as defined above, or person(s) who:
  - 16 a. Prepared it;
  - 17 b. Participated in any way in its preparation; or
  - 18 c. Signed it;
- 19 7. A statement of its subject matter; and
- 20 8. The identity, as defined above, of the person who has custody of it.

21 I. In the event that your answer to an interrogatory is "not applicable" or any  
22 similar phrase or answer, explain in detail why that interrogatory is not applicable.

23 J. In the event that your answer to any interrogatory is "don't know" or  
24 "unknown," or any similar phrase or answer, explain in detail all efforts made by the  
25 named party or its attorneys or representatives to obtain the answer to that interrogatory.

26 K. These interrogatories should be deemed continuing in nature. It is requested  
27 that you update your answers to interrogatories as soon as possible after new information  
28 is obtained to reflect any information obtained after the interrogatories are initially  
answered to include all information up to and including the date of the trial.

L. Where an interrogatory requests that you provide information concerning  
Explain a witness may testify about, that interrogatory is intended to elicit a summary of  
the information that any witness may have provided to you of whether they may testify at  
trial.

M. References in these Interrogatories to "this case" or "this matter" are to the  
litigation currently pending in this Court under the above-styled caption.

1 N. References to "YOU" mean **PLAINTIFFS** and its directors, offices,  
2 investigators, agents, employees or other representatives, where applicable

3 O. References to "DEFENDANTS" mean XCENTRIC VENTURES, LLC, and  
4 ED MAGEDSON, unless otherwise specifically stated.

5 P. References to the "ROR Site" mean RIPOFFREPORT.COM and/or  
6 BADBUSINESSBUREAU.COM.

7 Q. References to the "COMPLAINT" mean the COMPLAINT (and any  
8 amendments) filed in this litigation.

9 R. References to "AEI" mean ASIA ECONOMIC INSTITUTE, LLC.  
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**REQUESTS FOR PRODUCTION OF DOCUMENTS & THINGS**

- 1.) Produce copies of each and every separate statement that appears (whether now, or in the past, if still available to YOU) anywhere on the ROR Site regarding or referring to YOU which YOU allege to be false.
- 2.) Produce copies of any and all documents which YOU have which show that any of the specific statements identified in YOUR response to Request #1 above are, in fact, false. If NONE, so state.
- 3.) Produce copies of any/all documents YOU have showing any threats made to YOU by Defendants. If NONE, so state.
- 4.) Produce copies of any/all documents YOU have showing that Defendants made a threat to injure YOUR property or reputation unless YOU paid money to Defendants. If NONE, so states.
- 5.) Produce copies of any/all documents YOU have in which Defendants asked YOU for money. If NONE, so state.
- 6.) Produce copies of any/all documents YOU have in which Defendants asked YOU for any property or anything else of value. If NONE, so state.
- 7.) Produce copies of any/all documents reflecting complaints that have been made against YOU in the past five (5) years by either YOUR current and/or former customers and/or YOUR current and/or former employees (including independent contractors, if any). For the purpose of this request, "complaints" shall mean any form of complaint, grievance, objection or citation whether made directly to YOU or to any governmental agency (i.e., State Attorney General) or non-governmental agency (i.e., Better Business Bureau), but shall NOT include criminal/civil matters pending in any state or federal court.
- 8.) Produce copies of any/all documents which YOU claim are proof that YOU have been damaged by any of the specific statements identified in YOUR response to Request #1 above. If NONE, so state.
- 9.) Produce copies of any/all documents which YOU claim are proof that YOU have been damaged by any threats made to YOU by Defendants. If NONE, so state.
- 10.) Produce copies of any/all documents YOU have showing that any employees of AEI terminated their employment as a result of any statements about YOU posted on www.RipoffReport.com.
- 11.) Produce copies of any/all documents relating to any and all employees of AEI who terminated their employment with AEI for any reason since the inception of the company.

- 1 12.) Produce copies of any/all documents which YOU have showing that Defendants  
2 offered to correct the content of posts on www.RipoffReport.com which YOU  
3 allege were defamatory in exchange for a fee. If NONE, so state.
- 4 13.) Produce copies of any/all documents which YOU have showing that Defendants  
5 solicit false and defamatory postings on www.RipoffReport.com.
- 6 14.) Produce copies of any/all documents which YOU have showing that Defendants  
7 were aware of YOUR valuable contracts and business expectancies prior to the  
8 publication of the reports at issue in this case. If NONE, so state.
- 9 15.) Produce copies of all state and federal income tax returns for AEI since its  
10 inception.
- 11 16.) Produce copies of any and all profit/loss statements relating to AEI for the past five  
12 (5) years.
- 13 17.) Produce copies of any and all correspondence YOU have had with anyone (not  
14 including attorneys) regarding:
- 15 a. Xcentric Ventures, LLC; or  
16 b. Ed Magedson; or  
17 c. www.RipoffReport.com.
- 18 18.) Produce copies of any documents YOU have in which an individual or business  
19 stated their decision not to do business with YOU because of statements about  
20 YOU appearing on the ROR Site. If NONE, so state.
- 21 19.) Produce copies of any documents that establish that RAYMOND MOBREZ holds  
22 a Ph.D. degree or any equivalent level of education.
- 23 20.) Produce copies of any documents YOU have showing that Defendants created the  
24 titles to any reports about YOU which YOU allege are false.
- 25 21.) Produce copies of any documents YOU have showing that Defendants have  
26 engaged in a conspiracy to defame YOU.
- 27 22.) Produce copies of any and all documents YOU intend to use at trial in this matter.
- 28

**REQUEST FOR ADMISSIONS**

**REQUEST TO ADMIT:**

- 1.) Admit that Defendants did not create any of the text quoted in ¶ 28(A)–(O) of the Complaint.

**RESPONSE:**                      ADMIT \_\_\_\_\_                      DENY \_\_\_\_\_

- 2.) Admit that YOU have no evidence that Defendants created any of the text quoted in ¶ 28(A)–(O) of the Complaint.

**RESPONSE:**                      ADMIT \_\_\_\_\_                      DENY \_\_\_\_\_

- 3.) Admit that Defendants did not alter or change any of the any of the text quoted in ¶ 28(A)–(O) of the Complaint.

**RESPONSE:**                      ADMIT \_\_\_\_\_                      DENY \_\_\_\_\_

- 4.) Admit that YOU have no evidence that Defendants altered or changed any of the any of the text quoted in ¶ 28(A)–(O) of the Complaint.

**RESPONSE:**                      ADMIT \_\_\_\_\_                      DENY \_\_\_\_\_



- 1  
2 5.) Admit that the statements quoted in ¶ 28(A)–(O) of the Complaint are the  
3 only statements that YOU claim are defamatory.  
4

5  
6 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
7

- 8 6.) Admit that Defendants did not know any of the Plaintiffs prior to the  
9 publication of the statements quoted in ¶ 28(A)–(O) of the Complaint.  
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11  
12 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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- 14 7.) Admit that YOU have no evidence that Defendants knew any of the  
15 Plaintiffs prior to the publication of the statements quoted in ¶ 28(A)–(O) of  
16 the Complaint.  
17

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19 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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- 21 8.) Admit that Defendants did not know any of the Plaintiffs' current or former  
22 employees prior to the publication of the statements quoted in ¶ 28(A)–(O)  
23 of the Complaint.  
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25  
26 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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- 1 9.) Admit that YOU have no evidence that Defendants knew any of the  
2 Plaintiffs' current or former employees prior to the publication of the  
3 statements quoted in ¶ 28(A)–(O) of the Complaint.

4 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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7 10.) Admit that prior to the publication of the statements quoted in ¶ 28(A)–(O)  
8 of the Complaint, Defendants had no knowledge of Plaintiffs' existing or  
9 expected business relationships.

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11 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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14 11.) Admit that YOU have no evidence that prior to the publication of the  
15 statements quoted in ¶ 28(A)–(O) of the Complaint, Defendants had  
16 knowledge of Plaintiffs' existing or expected business relationships.

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18 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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21 12.) Admit that YOU have never paid any money to Defendants.

22 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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25 13.) Admit that Defendants never asked YOU for any money.

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27 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

1 14.) Admit that Defendants have never threatened YOU.

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3 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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6 15.) Admit that YOU have no evidence that Defendants have ever threatened  
7 YOU.

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9 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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12 16.) Admit that Defendants have not engaged in a conspiracy with anyone else  
13 to threaten YOU.

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15 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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18 17.) Admit that YOU have no evidence that Defendants have engaged in a  
19 conspiracy with anyone else to threaten YOU.

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21 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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24 18.) Admit that Defendants have received no money of any kind as a direct  
25 result of the statements quoted in ¶ 28(A)–(O) of the Complaint.

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27 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

1 19.) Admit that YOU have no evidence that Defendants have received any  
2 money of any kind as a direct result of the statements quoted in ¶ 28(A)-(O)  
3 of the Complaint.

4 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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6  
7 20.) Admit that at no time did ED MAGEDSON ever promise to change the  
8 content of existing reports about YOU in exchange for a fee.  
9

10 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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12  
13 21.) Admit that YOU have no evidence that ED MAGEDSON ever promised to  
14 change the content of existing reports about YOU in exchange for a fee.

15 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
16

17  
18 22.) Admit that ED MAGEDSON informed YOU in writing that when a party  
19 joins the Corporate Advocacy Program, "Reports are never deleted".

20 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
21

22  
23 23.) Admit that YOU have suffered no damages as a result of the events giving  
24 rise to this matter except for alleged damages to YOUR reputation.

25 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
26  
27  
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1 24.) Admit that YOUR decision to allege RICO/extortion violations was due in  
2 part to the advice of Sarah Bird set forth in her article entitled "Anatomy of  
3 a Ripoff Report Lawsuit" located here: [http://www.seomoz.org/blog/the-](http://www.seomoz.org/blog/the-anatomy-of-a-ripoff-report-lawsuit)  
4 [anatomy-of-a-ripoff-report-lawsuit](http://www.seomoz.org/blog/the-anatomy-of-a-ripoff-report-lawsuit).

5 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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7 25.) Admit that RAYMOND MOBREZ approached ED MAGEDSON and  
8 asked Mr. Magedson to provide information about the Corporate Advocacy  
9 Program.

10 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

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12  
13 26.) Admit that ED MAGEDSON informed MR. MOBREZ on the telephone  
14 that he (MAGEDSON) would not discuss the Corporate Advocacy Program  
15 on the phone unless and until MR. MOBREZ completed and returned an  
16 application form for the program, which MR. MOBREZ did not do.

17 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

18  
19 27.) Admit that when a report is posted on Ripoff Report about a person or  
20 business, the person or business has one or more options for responding to  
21 the report which do not involve or require the payment of money or  
22 property to Defendants.

23 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

24 28.) Admit that when a report is posted on Ripoff Report about a person or  
25 business, the person or business identified in the report may post a response  
26 or rebuttal without any payment to Defendants.

27 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_

1  
2 29.) Admit that YOU posted one or more rebuttals to reports about YOU on  
3 www.RipoffReport.com.

4 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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6  
7 30.) Admit that YOU paid nothing to Defendants for any of the rebuttals to  
8 reports about YOU on www.RipoffReport.com.

9 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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12 31.) Admit that ED MAGEDSON has never been charged with or convicted of  
13 the crime of extortion.

14 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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17 32.) Admit that YOUR reputation has been harmed by statements which were  
18 not created by Defendants.

19 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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22 33.) Admit that ED MAGEDSON has never corresponded or communicated  
23 with ILIANA LLANERAS.

24 **RESPONSE:** ADMIT \_\_\_\_\_ DENY \_\_\_\_\_  
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34.) Admit that ED MAGEDSON has never threatened ILIANA LLANERAS.

**RESPONSE:**

**ADMIT** \_\_\_\_\_

**DENY** \_\_\_\_\_

## INTERROGATORIES

1. Identify YOUR limited liability structure by providing:
  - a. The name stated in the current Articles of Organization;
  - b. The name(s) of every member or owner and their respective ownership percentage;
  - c. All the other names used by the corporation during the past 10 years and the dates each was used;
  - d. The date and place of formation;
  - e. Whether the company is currently in good standing.
2. State:
  - a. YOUR current business address and phone number;
  - b. The date YOU first began using YOUR current business address;
  - c. All other business addresses YOU have used at any time in the past five years including the dates such use began/ended (if any).
3. State the name, title, address, and telephone number for each current employee, independent contractor, paid or unpaid volunteer, intern, or worker however denominated of ASIA ECONOMIC INSTITUTE, LLC. If NONE, so state.
4. State the name, title, address, telephone number, and dates of employment for each former employee, independent contractor, paid or unpaid volunteer, intern, or worker however denominated of ASIA ECONOMIC INSTITUTE, LLC from the inception of the company to the present. If NONE, so state.
5. List every specific statement of fact about YOU appearing on the ROR Site that you claim is false and upon which you base your claim for defamation. If you produced a copy of the statements in response to a document request, you may only refer to the document produced as a response to this Interrogatory if you have highlighted, underlined, or in some manner identified the specific portion(s) of the documents produced that you claim are defamatory.



- 1 6. For each posting on the ROR Site that contains a statement that YOU claim is  
2 defamatory, identify any person(s) who YOU believe may be the original author  
3 of the statement(s) and state the reason for YOUR belief.
- 4  
5 7. List all current and prior civil and/or administrative complaints filed against  
6 YOU in the anywhere in the United States. For each separate matter, explain:  
7 a. The nature of the dispute (i.e., suit for employment discrimination; claim for  
8 unpaid wages);  
9 b. The jurisdiction (whether state, federal or other) where pending;  
10 c. The date filed;  
11 d. The date of final disposition (if any); and  
12 e. The nature of final disposition (i.e., defense verdict).
- 13 8. State the name, addresses, and telephone numbers of three of YOUR primary  
14 competitors.
- 15 9. State the name, addresses, and telephone numbers of ten of YOUR primary  
16 customers.
- 17 10. State the name, addresses, and telephone numbers of every customer who YOU  
18 allege decided not to do business with YOU because of statements appearing on  
19 the ROR Site.
- 20 11. Explain in as much detail as possible how YOU have been the victim of  
21 "extortion" by any of the Defendants.
- 22 12. As to each "predicate act" that YOUR RICO claims in this matter are based  
23 upon, state:  
24 a. The exact date of each act and the specific statutes which were  
25 allegedly violated;  
26 b. Provide the dates of the predicate acts, the participants in the  
27 predicate acts, and a description of the facts surrounding each  
28 predicate act;  
c. Describe in as much detail as possible how the predicate acts directly  
caused damage to YOU.

- 1 13. State the name, address, telephone number, and subject matter(s) of expected  
2 testimony of each person who YOU intend to call as witness at trial in this  
3 matter.  
4 14. State the names, addresses, and telephone numbers of each person who  
5 contributed to, or assisted with, preparing any of the responses to the  
6 questions/requests set forth herein.  
7 15. For each person listed in response to the prior question, please state:  
8 a. Which specific response(s) the person contributed to/assisted with;  
9 b. What part of the specific response(s) the person contributed to/assisted with.  
10 16. If your response to any Request for Admission is anything other than an  
11 unconditional admission, please give a full and complete explanation for the  
12 denial and state all facts and identify all documents and witnesses that support  
13 and/or explain your denial.

14 DATED this 26<sup>st</sup> day of April, 2010.

15 **GINGRAS LAW OFFICE, PLLC**  
16 /S/ David S. Gingras  
17 David S. Gingras  
18 Attorneys for Edward Magedson and  
19 Xcentric Ventures, LLC  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2010 I emailed the original of the foregoing to:

Mr. Daniel F. Blackert, Esq.  
Asia Economic Institute  
11766 Wilshire Blvd., Suite 260  
Los Angeles, CA 90025  
Attorneys for Plaintiffs

/s/David S. Gingras

# EXHIBIT 3

**From:** Lisa Borodkin [mailto:[lbodrodkin@gmail.com](mailto:lbodrodkin@gmail.com)]  
**Sent:** Saturday, May 29, 2010 9:48 AM  
**To:** <[david@ripoffreport.com](mailto:david@ripoffreport.com)>; Maria Crimi Speth  
**Cc:** Daniel Blackert; [alexandra@asiaecon.org](mailto:alexandra@asiaecon.org); [kristi@asiaecon.org](mailto:kristi@asiaecon.org)  
**Subject:** Re: AEI x. Xcentric: Request to Meet re Plaintiffs Discovery Responses

David,

I have done some more research and I believe Defendants' Requests for Production of Documents, Requests for Admission, and Interrogatories served on April 26, 2010, prior to the Rule 26(f) conference, held on April 27, 2010, are invalid. As I wrote to you April 27, 2010, Rule 26(d)(1) provides:

"A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order."

When I pointed this out to you, you stated in an email dated April 27, 2010 that "Judge Wilson made it very clear that our Rule 26(f) duties had been satisfied and that discovery was immediately open." I reviewed the transcripts and orders again and I am not finding it. If you know where he did that, then please let us know.

Unless there is an order granting early discovery, discovery requests served before the Rule 26(f) conference are void. See, e.g., Crutcher v. Fidelity National Ins. Co., 2007 WL 430655 (E.D.La. Feb. 5, 2007) at \*3; Batiste v. Bonin, 2007 WL 1772010 (W.D. La. June 15, 2007) at \*1. As informal requests, they cannot be the basis for a Motion to Compel. See James v. Wash Depot Holdings, Inc., 240 F.R.D. 693, 695 (S.D. Fla. 2006) ("Rule 37 does not authorize a court to compel documents or a release to obtain them based on an informal discovery request. "). I think if you try to enforce those, we may be entitled to fees.

If you have any contrary authority, please let us know and we'll take a look at it.

We have and will continue to treat Defendants' April 26, 2010 requests as informal requests. We are in the process of supplementing our responses.

I don't mean to be overly contentious but we have asked to bifurcate discovery to match the trial and you have refused. If you are intent on compelling us to answer your very broad discovery requests, I don't think we have a choice but to fall back on the Federal Rules. As a practical matter, I am not sure what your justification is for a motion to compel at this time, since you already filed your motion for summary judgment. I would think you, like us, would want to focus on trial.

It is probably still a good idea to talk on Tuesday to coordinate discovery matters. In your portion of the joint stipulation on our motion to compel, you state that you are willing to make Mr. Magedson available for deposition. I don't remember you offering him except conditional on a broad protective order, which we are unwilling to enter into.

The only deposition date that I remember you asking about was the 30(b)(6) deposition of Xcentric LLC. We are doing that on June 2 at 10:00 a.m.

If you are now willing to let Mr. Magedson be examined in his own right without a broad protective order, let's set a date.

Lisa

# EXHIBIT 4

**Subject:** Re: AEI x. Xcentric: Request to Meet re Plaintiffs Discovery Responses  
**From:** Lisa Borodkin <lborodkin@gmail.com>  
**Date:** Sat, 29 May 2010 09:47:41 -0700  
**To:** "<david@ripoffreport.com>" <david@ripoffreport.com>, Maria Crimi Speth <mcs@jaburgwilk.com>  
**CC:** Daniel Blackert <blackertesq@yahoo.com>, "alexandra@asiaecon.org" <alexandra@asiaecon.org>, "kristi@asiaecon.org" <kristi@asiaecon.org>

David,

I have done some more research and I believe Defendants' Requests for Production of Documents, Requests for Admission, and Interrogatories served on April 26, 2010, prior to the Rule 26(f) conference, held on April 27, 2010, are invalid. As I wrote to you April 27, 2010, Rule 26(d)(1) provides:

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When I pointed this out to you, you stated in an email dated April 27, 2010 that "Judge Wilson made it very clear that our Rule 26(f) duties had been satisfied and that discovery was immediately open." I reviewed the transcripts and orders again and I am not finding it. If you know where he did that, then please let us know.

Unless there is an order granting early discovery, discovery requests served before the Rule 26(f) conference are void. See, e.g., Crutcher v. Fidelity National Ins. Co., 2007 WL 430655 (E.D.La. Feb. 5, 2007) at \*3; Batiste v. Bonin, 2007 WL 1772010 (W.D. La. June 15, 2007) at \*1. As informal requests, they cannot be the basis for a Motion to Compel. See James v. Wash Depot Holdings, Inc., 240 F.R.D. 693, 695 (S.D. Fla. 2006) ("Rule 37 does not authorize a court to compel documents or a release to obtain them based on an informal discovery request. "). I think if you try to enforce those, we may be entitled to fees.

If you have any contrary authority, please let us know and we'll take a look at it.

We have and will continue to treat Defendants' April 26, 2010 requests as informal requests. We are in the process of supplementing our responses.

I don't mean to be overly contentious but we have asked to bifurcate discovery to match the trial and you have refused. If you are intent on compelling us to answer your very broad discovery requests, I don't think we have a choice but to fall back on the Federal Rules. As a practical matter, I am not sure what your justification is for a motion to compel at this time, since you already filed your motion for summary judgment. I would think you, like us, would want to focus on trial.

It is probably still a good idea to talk on Tuesday to coordinate discovery matters. In your portion of the joint stipulation on our motion to compel, you state that you are willing to make Mr. Magedson available for deposition. I don't remember you offering him except conditional on a broad protective order, which we are unwilling to enter into.



The only deposition date that I remember you asking about was the 30(b)(6) deposition of Xcentric LLC. We are doing that on June 2 at 10:00 a.m.

If you are now willing to let Mr. Magedson be examined in his own right without a broad protective order, let's set a date.

Lisa

On Fri, May 28, 2010 at 11:34 AM, Lisa Borodkin <[lbordkin@gmail.com](mailto:lbordkin@gmail.com)> wrote:

Hi David,

We can meet and confer Tuesday. Please suggest a time.

We have been getting some documents ready to send you but if you would like to come inspect and make copies yourself you are welcome to do so, subject to our objection that your requests were premature. The documents are at AEI's office.

I am not sure as a matter of law that you will get an order on those requests if you bring a motion to compel. I actually think your requests may be void because you served them before the Rule 26(f) conference. But I'd rather spend the time getting you documents.

We are also very concerned that the [RipoffReport.com](http://RipoffReport.com) website seems to be changing. We are concerned electronic evidence may be destroyed. I would like a statement as to what you have done to preserve ESI in this case, and to confer on that.

Lisa

On May 27, 2010, at 5:05 PM, "David Gingras" <[david@ripoffreport.com](mailto:david@ripoffreport.com)> wrote:

Dan & Lisa,

Please review the attached letter and respond as soon as possible.

David Gingras, Esq.

General Counsel

Xcentric Ventures, LLC

<http://www.ripoffreport.com/>

[David@RipoffReport.com](mailto:David@RipoffReport.com)

<image001.jpg>

PO BOX 310, Tempe, AZ 85280

Tel.: (480) 668-3623

Fax: (480) 248-8326

<Ltr - Dan & Lisa - 5-27-2010.pdf>

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Lisa J. Borodkin

[lisa@lisaborodkin.com](mailto:lisa@lisaborodkin.com)

323-337-7933

# EXHIBIT 5

DANIEL F. BLACKERT, ESQ., CSB No. 255021  
LISA J. BORODKIN, ESQ., CSB No. 196412

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Attorneys for Plaintiffs,  
Asia Economic Institute,  
Raymond Mobrez, and  
Iliana Llaneras

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

ASIA ECONOMIC INSTITUTE, a California ) Case No.: 2:10-cv-01360-SVW-PJW  
LLC; RAYMOND MOBREZ an individual; )  
and ILIANA LLANERAS, an individual, )

Plaintiffs,

vs.

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

Defendants.

ASIA ECONOMIC INSTITUTE'S NOTICE  
OF DEPOSITION OF ED MAGEDSON

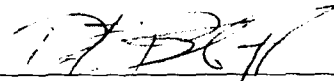
PreTrial Conference: August 2, 2010  
Trial Beginning Date: August 3, 2010

1 PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(a)(1), Plaintiff Asia  
2 Economic Institute ("AEI"), by and through its attorneys, will take the deposition upon oral  
3 examination of Ed Magedson at the offices of Jaburg & Wilk, 3200 N. Central Avenue, Suite  
4 2000, Phoenix, AZ 85012. The deposition will be videotaped and recorded stenographically  
5 before a certified shorthand reporter duly authorized to administer oaths commencing at 10:30  
6 a.m. on May 12, 2010.

7 DATED: May 6, 2010

Asia Economic Institute

8  
9 By:



DANIEL F. BLACKERT

LISA J. BORODKIN

Attorneys for Plaintiffs,

Asia Economic Institute,

Raymond Mobrez, and Iliana Llaneras


1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that on May 6, 2010 I emailed the original of the foregoing to:

4

5 David S. Gingras, Esq.  
6 **Gingras Law Office, PLLC**  
7 4072 E. Mountain Vista Dr.  
8 Phoenix, AZ 85048  
9 Attorney for Defendants

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11 \_\_\_\_\_  
12 Daniel F. Blackert, Esq.

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