

DRAFT - EDWARD MAGEDSON - 6/8/10

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Q. I don't want to make confusing statements.

Okay. Looking on Exhibit 1, page 4, paragraph 6, do you know of any documents, and documents can include recordings that would show the kind of out going voice message to callers that you testified about last week. It?

A. There is no document sufficient to evidence the recorded messages. To plaintiff Raymond Mobrez before he was connected to a representative. I don't understand what that would be, but if I think what it is, there wouldn't be anything, and I'm not sure I really understand the question. It's almost as complicated as the one that you were trying to -- I know you are trying to get at something, and I'd like to know what it is so I can answer you properly, but I just don't.

Q. I apologize. That is my fault. I think you testified last week, and for give me if I'm getting this wrong, that there's a period of time during a call when callers call Ripoff Report that they are listening to prompts or they are listening to directions from an automated system. Is that correct?

A. Yes.

Q. And I think it says in some of the papers your

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counsel have filed or served us with, that the reason the recordings that you're seeking to put into evidence are shorter than the times that are on phone bills that have been put into the record is that part of that time is consumed with these telephone prompts and recordings in Excentric's automated system, is that right?

A. Yes.

Q. And I think when we asked you last week what does it say, you referred us to call that number. Is that the best way to know what it says?

A. Well, yeah, because I can't -- you know there is -- you want me to sit here and try to come up with what it says. There is no way I would be able to remember what's there. I kind of remember some of the things, some of what's there, so -- and I don't call the number, because I don't call myself. So you know, I've heard it going back, you know, but it's just like some of the things you know that I've written in the past and you know, whether it was wrong and I can't remember and something I should have taken out a long time ago and I didn't. I don't know the -- I don't know what the message says.

Q. That's okay. That's why I asked for

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documents?

A. But there is no -- there wouldn't be a document. You can create one by having somebody -- a transcriber to type what they are getting when they press number one, what that one gives you, number two, number three and so on and so forth.

Q. Could someone know what that outgoing message and prompts say by making a recordings, a sound recording of it?

A. I guess, sure.

Q. Would that be okay with you?

A. You are asking me to come to a conclusion of something that might be okay that I haven't seen or heard, so I would assume it would be okay, but.

Q. What I'm getting at is how do we know what these outgoing prompts and automated messages said at the time of approximately May 2000 and 9?

A. It's always been the thing, except for one little part when you press number one, there's to get to me, because it says, after you press five to get to me, and then it says, you know, would you like us to locate somebody or something like that, and that's really coming to me, because it says Ripoff Report editor, okay, and I

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forget if that comes before or right after you press one. But when you press one, it's like an automated message part, and that's because I had to figure out where should I put the notification because of this lawsuit, I just decided well, I'll go ahead and put -- even though we are a one party state here in Arizona, I will go ahead and put in advice by counsel, why don't I just go ahead and add calls may be recorded, so that's the only thing that's just changed. That one little thing was etched right in will in the middle of it, calls may be recorded. Everything else is a hundred percent the same. Nothing has stopped. Nothing else has been changed.

Q. When was that changed?

A. I don't -- it was some time after -- I don't know maybe about a week and a half ago.

Q. Is there any way you could --

A. Find out?

Q. Yeah.

A. Sure.

Q. How would you try to find out?

A. I would call the company who was the third party, because I can't access it. There is nothing I can do. I had to call them and ask them to, could they --

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where could they add it in for me, is there a way to do it so they don't have to change the whom message. So they added it in their part. Because that message, I gave them originally, but that part where that voice comes in and says, you have reach add unified messaging system, right there, she just went and changed it, calls may be -- she just added, calls may be recorded.

Q. Who is she?

A. Because it's a woman. I don't know. I never talked to her. I don't know who she is.

Q. You mean it's a woman at the vendor who handles your account?

A. Well, it's automated, you know, how they have the computer say certain things, just like they talk on the phone and it's a computer voice. I'm not sure if that's a computer voice or it's a real person. So your guess would be as good as mine at this point on that. I don't know.

Q. So the best source of information about when that little change was made would be your vendor?

A. I could get that information, if that's something that you are requesting. I have no problem with that. It's on or about, you know, about two weeks ago, a