

**EXHIBIT 33**

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

e-mail that begins, I am in California. I live here now.  
Why don't you read that over.

A. You want me to repeat what you just said?

Q. No, you can just read it over yourself.

A. Okay.

Q. In your e-mail, what do you mean -- in Excentric's e-mail, what do you mean by there is nothing that you can do to help my client, you meaning Excentric?

A. Probably he was asking me to remove complaints or I have to look at what the previous e-mail was. You know, he could file a rebuttal. That's what I'm essentially telling him. And, you know, he's asking about a meeting where he talks about -- just what's your question, exactly?

Q. My question is, what do you mean by -- what does Excentric mean by there is nothing they can do to help my client?

A. There is nothing I can do other than him filing a rebuttal.

Q. Is it true that you -- Excentric has never lost a case?

A. Correct.

Q. A legal case?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Correct.

Q. So Excentric has never lost a legal case?

A. We can lose a motion, but we have never lost a case.

Q. Have you settled any cases?

A. Sure.

MR. GINGRAS: Objection. Form and beyond scope of the 30(b)6.

Q. BY MR. BLACKERT: Okay. And it's your practice not to remove posts?

A. Correct.

Q. Have you ever removed posts in the past?

A. We don't have a practice of removing posts.

Q. Okay. Now, when an aggrieved party meaning someone who has filed a -- someone -- strike that. When someone has rip off report filed against them, and they want to ascertain the identity of the posters, how do they go through Excentric to do that?

MR. GINGRAS: Objection. Beyond the scope of the 30(b)6.

You can answer if you want to and if you know the answer.

THE WITNESS: I think it's called Mobrez.

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Add to what?

Q. Add to your previous answer?

A. I don't know.

Q. About the benefits of the CAP program?

A. What would you like to know.

Q. The benefits of the CAP program other than what you have testified to today, any other benefits that you can think of.

A. I forgot where I left off before. But there's a perceived value, just like a perceived value to the consumer with the BBB, which is a great way to give it as an example. So rip off report is prominent. Consumers see that there are all these other complaints usually about a business, and the same thing with AA's your economic. There is other complaint sites, and when it is there and it's on rip off report investigation, negative stuff is still there, but, hey, XYZ company decided and realized that they can have made changes, they made changes, and they always urge a business once they join the program, you are best off admitting, hey, we might have made some mistakes. It always looks go to the customer to admit, hey, we might have made some mistakes. These are the changes we made to avoid them in the future.

EXHIBIT 34

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

don't deal with that.

Q. BY MR. BLACKERT: You don't deal with any subpoenas?

A. No. I get a subpoena, it goes to my attorney.

Q. So why don't these aggrieved parties of these rip off reports filed against them get the names of the posters?

MR. GINGRAS: Objection calls for a legal conclusion. Beyond the scope.

Q. BY MR. BLACKERT: Why won't you give it to them.

A. It's the law that consumers have the right to speak out in America today and remain anonymous. Until that law is changed, something I'm not aware of, it's a consumers first amendment right. Not only that, but this is what the Internet is all about, educating one another, people giving their opinion.

Q. Does Excentric do any investigation into these postings that appear on rip off report if someone is not involved in the CAP program?

A. Sometimes there can be for certain situations, yes.

Q. Can you explain those situations to me?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Sure. If somebody is accused of some kind of sexual assault, murder, and the person contacts us, we will ask them to give us proof that they have no criminal record or that they were not even charged.

Q. What about other types of crimes, if someone contacts Excentric saying the rip off report was posted regarding criminal conduct on the behalf of the person, and they want that post removed, would you investigate that?

A. It's extra vague.

Q. Okay. In what types of cases do -- does Excentric investigate postings?

A. Rip off report really doesn't investigate them. We would ask them to send us proof. And even when we get proof, we don't know. No one ever knows.

Q. So let's say you do get proof, then what is the next step?

A. After verifying whatever proof that we can, so somebody sent us a record and they went down to the county, police department and they did a random check or whatever, after that it's verified. Let's say the title read Joe Smoe, he's a sex offender, sexual abuse or -- and is a wanted criminal, we would redact those specific words

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. When a company enrolls in the CAP, just the information part.

Q. Just the investigation?

A. Not all the things we had them do. Just the investigation part.

Q. What's the first step?

A. We ask them to put what changes they've made that's in there. What the company states. We like quotes from individuals from the company. Like one executive said the following and so on like that. We ask them to tell us the changes that they've made. I'm not sure I have just said that, the changes that they've made, to talk about why their companies do business W. Maybe why they've had complaints, why complaints did happen. And we put that into a report, into a main report, and then we also inject stuff before other reports.

Q. Okay. So you said you -- these companies tell you that they've changed -- they do changes, correct?

A. Right.

Q. How do you follow up, how does Excentric follow up that they've actually implemented these changes?

A. Very simple. If somebody e-mails us and says, hey, look, I read rip off report, and look, I don't feel



DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

I'm getting the attention, I didn't get what I paid for, and I'm dissatisfied -- I'm holding off, because I see you are reading. I don't know if you are going to listen to me.

Q. No, I'm listening, do you have any more to add. I forget hay just said.

A. Do you want to read back.

THE WITNESS: The consumer e-mails and says they are not satisfied, they have to make them satisfied. And so they will e-mail us, and I think I explained before, we sent an e-mail out, there's that first e-mail before they even join. When a new client a new customer is dissatisfied, we immediately e-mail them back and trying to -- stop interrupting. We immediately e-mail them back to diffuse that customer from going elsewhere and filing a complaint and letting them know executives -- I think I explained this before -- we let them know executives at the company want to -- will want to say what their complaint is and get this resolved. And they do. Because if the company doesn't resolve it and they don't get a green flag from us, which is what -- the green flag means they took care of it and everything is good.

Q. How else do you follow up?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Well, the only way we can follow up is if the customer tells us they didn't. Because in that e-mail, they are told, listen you need to let us know how this goes.

Q. Do you ever visit the sites, these business sites to see if they have implemented these changes?

A. No, you are misunderstanding something. Now you are going to somewhere else. That's something separate. I was talking about when somebody files -- makes a complaint and says, hey, I used this business. I see what you wrote about them. You know, this is -- what happened with me is a real disaster, and I think I should get a refund.

Q. Let me clarify my question. When a business or entity enrolls in a CAP program. You told me how you do investigations and certain follow-ups, and you explained some portions of how you do follow-ups. And my next question is, does Excentric ever physically go to these companies and check and make sure these changes are implemented?

A. There's no way we go to physically any lease.

Q. So how do you verify that?

A. We will know that by the complaints that we

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

would get or not get. They are committed to taking care of any new customer that comes in, and there are verifications, like somebody says, our contracts are very easy to read, and simple, you know, to understand. Well, I would request them, could you do me a favor, and send me a copy of the -- that contract that you say is so easy to read. Okay. We changed our policy. I'd ask them to give us -- they changed their policy. It is stating right in there what they are doing. If they are not doing what is stated in there, we will know about it real quick.

Q. How do you know about it real quick?

A. Because a customer would tell us -- a customer tells -- you know, I could go some place and check on something. I'm not going to know about it unless I sit there and watch every dealing with every customer.

Q. You are misunderstanding me.

A. Okay. Probably then.

Q. What investigation, other than what you have testified to, does Excentric do to follow up and make sure these companies are verified safe, they are good for the CAP program, and they are safe for the consumer?

A. Because they've made a commitment to the program. And they made a commitment to satisfy customers

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

that aren't satisfied.

Q. How do they prove that to you?

A. By, one, when I told you about that initial mailing that guess out, okay, and anyone that contacts us back or them back, if we get a thing that says, hey, listen, we contact them back and they are full of -- they are full of it, they ain't taking care of me, da da da da, has it happened, sure and we would say, listen, what's the deal here, you got to take care of this. We make sure of that. And there are times when a customer is BS'ing and not telling the truth.

Q. So you are telling me you are just relying on e-mails, then, to verify?

A. I don't physically go anywhere and go to a business to make sure they made a change. That wouldn't even do any good if I did.

Q. So Excentric is only relying on e-mail communications, then?

A. Yes.

Q. That's it?

A. Pretty much.

Q. Okay. Thanks.

A. But it's not as simple as asthma are putting it

**EXHIBIT 35**

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

out, sexual abuse and wanted criminal. If there was actually there is no warrants, well there weren't prior warrants or something, it all depends on the case, but that's the way that would work.

Q. Okay. Is there any other ways you would take these postings off rip off report?

A. The posting isn't removed. I didn't say that.

Q. Okay.

A. Those certain words, certain offending words would be redacted so the consumer, it would just say redacted.

Q. I understand now. Are there any other cases where certain words would be redacted?

A. There could be. I'm just at this minute, I can't think, so you are asking me questions, and when you are sitting in the hot seat, sometimes you don't think clearly and you can't remember everything. But I can't think of anything. If I do think of something, I will tell you.

Q. Okay.

A. Give me a second. I do want to think about it. You are asking me, is there any other times that we would remove something?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

Q. That rip off report would remove some content, yes, part of the posting, not the posting itself?

A. I'm thinking. We removed Social Security numbers, threats of violence, and if somebody, a monitor misses it, which it can happen, the person contacts us, you know, Social Security numbers, driver's license number, bank account numbers, those kinds of things are redacted. The report is not removed, it's redacted.

Q. Got it. Are there any other types of crimes that are removed from the posting other than you mentioned?

A. There could be, I just -- just not coming to mind right at this moment. There could be. I don't think there is anything, but there could be.

Q. What about tax fraud?

A. That would be up to the consumer, even like with criminal stuff, we try to get them to post and redact certain things, but I would pretty much -- it's possible, depending upon the nature of the -- of the -- possible. So I can't say for sure.

MR. GINGRAS: Just to be clear, I think Dan might have been referring to something and you might have misunderstood and I want to be sure I understand, is your

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

question relating to allegations of criminal wrongdoing or convictions, because I think Ed was talking about convictions. If a report says that a person has been convicted after crime, that's different than saying a person -- I'm claiming they did something but hadn't been convicted.

THE WITNESS: Right. If they explain it that way, again, like I stated in earlier testimony, you know, people -- when people give their opinion and they are not making a statement of fact, and if they are making a real statement of fact saying they were convicted and there is proof that we can be sent that they weren't convicts of tax fraud, I would -- I would see -- I can't see why that would not be removed.

Q. BY MR. BLACKERT: What about allegations, no conviction, no nothing, allegations of child?

A. That's sexual. I said already sexual stuff.

Q. I understand. Allegations of violence, allegations of tax fraud?

A. Turn around.

Q. So allegations of sexual misconduct, tax fraud, those types of allegations, would you remove them?

A. Yeah, pretty much so. I mean, is there a



DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

possibility it wouldn't be? It depends. There could be something. No one is not trying to not help them. I am not looking for ways to not try and help the individual. There are certain things, and there could be things you are not even asking me that would qualify for that.

Q. Does an individual or entity have to be involved in the CAP report for rip off report to do this?

A. No.

Q. No, they do no.

A. Absolutely not.

Q. You talked a little bit before about rebuttals when posters write rebuttals. How does a rebuttal help a poster? How does a rebuttal -- strike that.

How does a rebuttal help an aggrieved party that has been posted upon on rip off report dot com?

MR. GINGRAS: Objection. Form. Sort of an incomplete hypothetical.

THE WITNESS: I have no problem giving my opinion.

MR. GINGRAS: Answer the question if you understand it.

THE WITNESS: Just ask the question once more. Be more specific if you can.

**EXHIBIT 36**

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

being combative with you, it wouldn't look good, as much as I may not like some of your questions. Okay. So it's bad when somebody acts combative, because for some reason they look guilty. So it's always best -- I mean, I'm explaining to you my experience of being in business for years, being a consumer all my life, and being very attune to these types of things, I feel I know for sure that if you respond properly to something, especially on the Internet, it's only going to make somebody understand, wow, that was sensible. That's true. Oh, that really is kind of hard to believe. And boy, look what they said they offer about their business, or, God, this is really interesting.

Q. If this rebuttal is such a powerful tool, what's the purpose of the CAP program?

A. That's why I offer and tell people and urge them, file a rebuttal, it's for free, and I explain to them how to do a rebuttal. So -- so um some people -- what is your exact question?

Q. If the rebuttal is so powerful as you say, why have the CAP program? Why do you have the CAP program in place? And when I say you, I mean Excentric.

A. I can go out and buy a car for \$20,000, but

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

why would I want to go out and buy one for 50 thousand dollars that give measure all the bells and whistles and things like that. Maybe that's a bad example, but it's a service. It's like why do people join the boater business bureau or any JD power and associates and you know, belong to them or anything else that's out there for the consumer to feel safe about and why they should do business.

People are under the assumption, because you are dealing business with the better business bureau somebody that it's great. I won't give any comment to that, but that's why people joint better business bureau.

Q. So why does Excentric feel rebuttal is so effective?

A. And for free, because it does work.

Q. It works?

A. Sure. A rebuttal works.

Q. A hundred percent of the time?

MR. GINGRAS: Objection.

THE WITNESS: Nothing works a hundred percent of the time.

MR. GINGRAS: Form.

Q. BY MR. BLACKERT: Then why do people join the CAP program?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

MR. GINGRAS: Objection. Form.

THE WITNESS: I can't speculate what's in somebody else's mind, but I can only assume that they realize the value of the program and use the program.

Q. BY MR. BLACKERT: What's the value of the program?

MR. GINGRAS: Objection. Form.

Q. BY MR. BLACKERT: What's the value of the CAP program, strike that.

A. At least I'm trying. He won't look. What's the value of the program?

Q. What's the value of the CAP program?

A. It's kind of ambiguous. What do you mean what's the value of the program, what do you mean by that?

Q. What does the aggrieved party get from the CAP program that they don't get from a rebuttal?

A. I think I sort of answered that on a long winded answer that I gave you when you asked me what's the \$7,500 for. I started to. So it's what I stated earlier and it's really a lot more, because I didn't want to give you or her a novel to write.

Q. Is there anything else you have to add to that?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Add to what?

Q. Add to your previous answer?

A. I don't know.

Q. About the benefits of the CAP program?

A. What would you like to know.

Q. The benefits of the CAP program other than what you have testified to today, any other benefits that you can think of.

A. I forgot where I left off before. But there's a perceived value, just like a perceived value to the consumer with the BBB, which is a great way to give it as an example. So rip off report is prominent. Consumers see that there are all these other complaints usually about a business, and the same thing with AA's your economic. There is other complaint sites, and when it is there and it's on rip off report investigation, negative stuff is still there, but, hey, XYZ company decided and realized that they can have made changes, they made changes, and they always urge a business once they join the program, you are best off admitting, hey, we might have made some mistakes. It always looks go to the customer to admit, hey, we might have made some mistakes. These are the changes we made to avoid them in the future.

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

Its all part of the work that goes into working with the business to kind of give them extra customer service. We are an extension. The program is an extension of a business with customer service. Consumers normally get ticked off about a business today. They don't bother calling back to a company, they try calling, got a busy signal. They got a long menu. They got put on hold. Somebody at the company with a hundreds of employees didn't answer them correctly. And they start doing a search for the company, and they say, wait a minute, they say, look at this. It's here on rip off report, investigation, what did they say? Well rip off report is saying they do this and do that and wow, I'm going to e-mail them right now and tell them what a bunch of SOB's they are. So they get on the Internet and they start doing it, because that's what everyone does today.

Q. Earlier you said in your previous answer rip off report was prominent, correct? Am I putting words in your mouth or is that --

A. Right.

Q. Is that an accurate description?

A. Correct.

Q. What do you mean by prominent?

EXHIBIT 37



DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. It's usually found on the Internet like other things that are found on the Internet when you do a search for a particular company.

Q. Where is it specifically found on the Internet when you do a search for a company?

A. Where is it found? On the Internet.

Q. Where on the Internet?

A. I'm not sure I understand what you mean.

Q. I'll give you an example, like Yahoo, Google or something like that? Is it found on a search engine?

A. Correct, it's found on a search engine.

Q. Okay. And when a report is written on rip off report dot com, where does it generally appear in the search engines?

MR. GINGRAS: Objection.

THE WITNESS: I can't speculate on where it --

Q. BY MR. BLACKERT: I don't want you to speculate.

A. Okay.

Q. So again, going back to the prominent issue, what do you mean that rip off report is prominent?

A. It gets good ranking, the search engines, all the search engines look at rip off report in a very

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

favorable way.

Q. What does that mean, that they look at rip off report in a favorable way?

A. Well, maybe that's -- that's probably my own -- I will even take back that statement. That's probably my own description, but whether or not I can say it that way, the search engines obviously like rip off report.

Q. Why do search engines like rip off report?

A. I don't know. I haven't spoken with bing or Yahoo or dog pile. I don't know.

Q. So you have never spoken with anybody at Google or Yahoo over the years?

A. I've probably spoken with people from some different organizations.

Q. Have you ever spoken with anyone from Google or Yahoo over the years?

A. I can't even remember. It's a long time already. It's not in recent years.

Q. When a party was posted on rip off report dot com, files a rebuttal, where does that rebuttal appear?

MR. GINGRAS: Objection. Form.

THE WITNESS: It appears underneath the negative report.

EXHIBIT 38

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

Q. BY MR. BLACKERT: In every negative report?

A. What do you mean by every negative report?

Q. Hypothetically, if there is five negative reports on a company, does the rebuttal appear under every negative report or just the --

A. The report that the consumer filed under.

Q. Okay.

A. Along with their title. It goes at the top.

Q. It goes where, I'm sorry?

A. Along with their title of their rebuttal.

Q. Okay. Now, when a business or an individual enters the CAP program, is there -- take me through that. Is there an investigation?

A. We get a commitment from the business, a written commitment from the business as to their change that they are doing. We check on certain things that they are telling us. There will be an investigation as to we've won five years in a row, JD power and associates award, and we will say, could you please send us a copy of that. Well, actually, that's wrong. They will be e-mailed and ask us to send evidence of certain things.

Q. So take me through Excentric's investigation when a company enrolls in the CAP?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. When a company enrolls in the CAP, just the information part.

Q. Just the investigation?

A. Not all the things we had them do. Just the investigation part.

Q. What's the first step?

A. We ask them to put what changes they've made that's in there. What the company states. We like quotes from individuals from the company. Like one executive said the following and so on like that. We ask them to tell us the changes that they've made. I'm not sure I have just said that, the changes that they've made, to talk about why their companies do business W. Maybe why they've had complaints, why complaints did happen. And we put that into a report, into a main report, and then we also inject stuff before other reports.

Q. Okay. So you said you -- these companies tell you that they've changed -- they do changes, correct?

A. Right.

Q. How do you follow up, how does Excentric follow up that they've actually implemented these changes?

A. Very simple. If somebody e-mails us and says, hey, look, I read rip off report, and look, I don't feel

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

I'm getting the attention, I didn't get what I paid for, and I'm dissatisfied -- I'm holding off, because I see you are reading. I don't know if you are going to listen to me.

Q. No, I'm listening, do you have any more to add. I forget hay just said.

A. Do you want to read back.

THE WITNESS: The consumer e-mails and says they are not satisfied, they have to make them satisfied. And so they will e-mail us, and I think I explained before, we sent an e-mail out, there's that first e-mail before they even join. When a new client a new customer is dissatisfied, we immediately e-mail them back and trying to -- stop interrupting. We immediately e-mail them back to diffuse that customer from going elsewhere and filing a complaint and letting them know executives -- I think I explained this before -- we let them know executives at the company want to -- will want to say what their complaint is and get this resolved. And they do. Because if the company doesn't resolve it and they don't get a green flag from us, which is what -- the green flag means they took care of it and everything is good.

Q. How else do you follow up?

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. Well, the only way we can follow up is if the customer tells us they didn't. Because in that e-mail, they are told, listen you need to let us know how this goes.

Q. Do you ever visit the sites, these business sites to see if they have implemented these changes?

A. No, you are misunderstanding something. Now you are going to somewhere else. That's something separate. I was talking about when somebody files -- makes a complaint and says, hey, I used this business. I see what you wrote about them. You know, this is -- what happened with me is a real disaster, and I think I should get a refund.

Q. Let me clarify my question. When a business or entity enrolls in a CAP program. You told me how you do investigations and certain follow-ups, and you explained some portions of how you do follow-ups. And my next question is, does Excentric ever physically go to these companies and check and make sure these changes are implemented?

A. There's no way we go to physically any lease.

Q. So how do you verify that?

A. We will know that by the complaints that we

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

would get or not get. They are committed to taking care of any new customer that comes in, and there are verifications, like somebody says, our contracts are very easy to read, and simple, you know, to understand. Well, I would request them, could you do me a favor, and send me a copy of the -- that contract that you say is so easy to read. Okay. We changed our policy. I'd ask them to give us -- they changed their policy. It is stating right in there what they are doing. If they are not doing what is stated in there, we will know about it real quick.

Q. How do you know about it real quick?

A. Because a customer would tell us -- a customer tells -- you know, I could go some place and check on something. I'm not going to know about it unless I sit there and watch every dealing with every customer.

Q. You are misunderstanding me.

A. Okay. Probably then.

Q. What investigation, other than what you have testified to, does Excentric do to follow up and make sure these companies are verified safe, they are good for the CAP program, and they are safe for the consumer?

A. Because they've made a commitment to the program. And they made a commitment to satisfy customers



DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

that aren't satisfied.

Q. How do they prove that to you?

A. By, one, when I told you about that initial mailing that guess out, okay, and anyone that contacts us back or them back, if we get a thing that says, hey, listen, we contact them back and they are full of -- they are full of it, they ain't taking care of me, da da da da, has it happened, sure and we would say, listen, what's the deal here, you got to take care of this. We make sure of that. And there are times when a customer is BS'ing and not telling the truth.

Q. So you are telling me you are just relying on e-mails, then, to verify?

A. I don't physically go anywhere and go to a business to make sure they made a change. That wouldn't even do any good if I did.

Q. So Excentric is only relying on e-mail communications, then?

A. Yes.

Q. That's it?

A. Pretty much.

Q. Okay. Thanks.

A. But it's not as simple as asthma are putting it

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

rephrase it.

MR. GINGRAS: I think we first need to clarify what you are referring to as the rebuttal e-mail. We have talked about filing rebuttals and sending e-mails. Those are two different things.

Q. BY MR. BLACKERT: You testified earlier that you sent an e-mail after -- you sent an e-mail suggesting that an individual file a rebuttal. Correct? An individual at a business?

A. Correct.

Q. What happens next?

A. I can't speculate on what happens next. I don't know what you mean. What do you mean what happens next.

Q. If the individual or business wants to go forward with the CAP program?

A. Okay.

Q. What's your next contact with them?

A. They want to go.

Q. Yes?

A. If they say they want to join the program, I send them a more detailed questionnaire about the company.

Q. Is that questionnaire different from the

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

questionnaire on your website on rip off report's website?

A. Yes.

Q. And you say it is more detailed?

A. Yes.

Q. How is it more detailed?

A. It gets into -- and this is still -- they haven't been approved yet. So it depends on how they answer the questions to these -- to this e-mail, but there is questions why did you get complaints? What was the cause of the complaints, but improvements. I want information right now, you know, how are you going to make -- what improvements have you made? What was -- what were the problems and what are you doing to avoid those problems in the future? The name of the person who will be signing the agreement, what's the name of the company that the agreements going to be in. Why do you feel -- I think it's why do you feel -- I forget. I can't.

Q. That's fine?

A. I can't remember. I can't remember.

Q. When does -- when does rip off report send the monthly fee if someone agrees to enroll in the CAP?

A. When does it set it? It is what it is. It's the same rate sheet everybody gets.

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

Q. It's the same for everybody?

A. The same. Like I said, that thing is incorrect. It's there. That thing is incorrect. It's --

Q. Okay. All right.

A. It's the same.

Q. I'm going to call for --

A. It depends on how many reports they have that I've explained.

Q. I'm going to call for production of the rate sheet and also the updated questionnaire that's not on rip off report's web site, call for production of those.

Can we do a five minute break?

MS. BORODKIN: Yeah.

THE VIDEOGRAPHER: We are going off the record. The time is 3:08 p.m.

(The deposition was at recess from 3:08 p.m. to 3:29 p.m.)

THE VIDEOGRAPHER: We are back on the record. The time is 3:29 p.m.

Q. BY MR. BLACKERT: Mr. Magedson, does Ben Smith work at Excentric?

MR. GINGRAS: Objection. Beyond the scope 30(b)6. You can answer the question.

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

Q. BY MR. BLACKERT: Okay. Okay. After the second -- after the subject party with the rip off report answers the second questionnaire, what happens?

MR. GINGRAS: Objection asked and answered.

THE WITNESS: I already answered this question. You know, I'm getting tired, so --

Q. BY MR. BLACKERT: Me too.

A. I don't know why you want to wear me out with the same question. The answer is not going to change.

Q. Okay. How do you get approved for the CAP program?

A. How do they get approved?

Q. How does a subject of a rip off report get approved for the CAP program? How do you approve them or Excentric, how does Excentric approve them?

A. It depends on how they respond to very few questions. It's pretty simple.

Q. On what basis do you reject individuals or entities who look to enroll into the CAP program?

A. They are going to give a problem by giving refunds. They don't -- the way they answer the questions about why there is a problem, I'll enforce upon them, you are better off just filing a rebuttal, because it's just a

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

refresh your recollection as to when an individual entity was rejected for the CAP program?

A. Refresh my memory, if it was 9 o'clock in the morning.

Q. Are there any documents you can look at or e-mails or anything?

A. No, not really. I think I mentioned if they have to answer the questions properly. Show that they are really sincere. Like if somebody gives smart Alec answers. Do you want to ask for something else?

Q. What do you mean by if they are sincere?

A. Sincere, you know -- oh, well the customs are wrong. The things are simple. And they should know or understand, to which means, they don't want to change or make things more explicit so consumers would understand, you know how a business or a website might hide information, they run a commercial, they flash something up that you can't even read, and they don't want to change that, because that's what consumers are complaining about. They say, oh, it's on their commercial, but with you know that's up there for a split second and nobody can really read that. So they said they knew. You know if the business doesn't show that they really want to take care

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

A. No.

Q. When an applicant is approved for the CAP program, what happens next once you approve them?

A. I think I've already answered that.

Q. How do you notify them that they are then approved?

A. They are e-mailed back.

Q. They are e-mailed back?

A. Uh-huh and want application.

Q. And that's the second application you spoke of before?

A. Correct.

Q. So I don't want to put words in your mouth, but what happens next? They fill out the second application, right?

A. Correct.

Q. And then what happens next?

A. They are sent -- they fill out that application, and they are sent an agreement.

Q. Got it. Okay. And what does that agreement say?

A. It tells them where -- in short, where -- what they can expect from rip off report and what we should be

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

expecting from them.

Q. I'm going request production of that document.

Now, what can they expect from rip off report.

A. I sort of explained that earlier. It's really not going to change. There is a lot, and we'd be here for a long time, but we do a lot for them. So I'm not sure -- I'm not sure where to begin.

Q. When do you notify them about the cost of the program, the monthly cost -- strike that?

When do you notify them about the monthly cost of the program.

A. I already answered that question.

MS. BORODKIN: Numb.

THE WITNESS: I have answered it at least three times.

Q. BY MR. BLACKERT: Can you answer it again, please. I'm not trying to harass you?

A. They are sent after -- after they fill out the application, they are sent an e-mail that tries to push them to go ahead and do a rebuttal. It does explain a little bit about the CAP, but you are best off first trying to file a rebuttal. And then if they respond back properly, they are sent more information along with the



DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

rates.

Q. Along with the rates. Okay.

And is it like a rate sheet or how is it done.

A. Yeah, it's like a rate sheet.

Q. I'd like to request that, the production of that document, too.

MR. GINGRAS: Just to be clear, if you are making verbal requests for production of documents, I don't recognize that being a legitimate request in the rules. If you want to make a written request, we will happily look at those, when and if you do that.

MR. BLACKERT: Okay. Noted on the record.

Q. BY MR. BLACKERT: When are they notified of the specific monthly term, costs?

A. It's in that same e-mail with the rates.

Q. Okay?

A. It's right there.

Q. And then what happens? Do they -- what happens next? When are they asked to make the first payment?

A. When do they have to make the first payment? When they send a signed contract.

Q. So after they send the signed contract, what

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

does the first payment consist of?

A. The down payment.

Q. Which is?

A. Which is what I've explained before.

Q. Is it contingent upon the size of the company, number of reports?

A. So what's now the question? I don't know what your question is.

Q. What is -- what determines the down payment?

A. I've answered that at least four times, if not five. But I will humor you and give it to you again.

Q. Thank you?

A. What determines that is the amount? It's based on the amount of reports. It's never been based on anything else, even though my information does give two other options. It could be by the amounts of locations they have, and it could be by the -- you know, if they have a hardship. It explains about the hardship and what they have to send us to prove hardship.

Q. Okay. And then when do they start paying the monthly monitoring fee?

A. It would probably be either the first month or I might give them the first month for free and the

DRAFT - EDWARD MAGEDSON - 6/2/10

\*\*\* UNEDITED UNCERTIFIED TEXT \*\*\*

monitoring, it starts the following month.

Q. What if no complaints are filed and an applicant is paying the monthly fee, no additional complaints are filed, nothing, it's just -- strike that. What if no additional complaints are filed when the applicant is paying the monthly fee?

A. And the question is.

Q. Does anything happen, nothing happens?

A. Oh, they get healthier. They must be doing well. Things must be going great.

Q. So the applicant is paying the monthly fee, and what if a report pops up when they are paying the monthly fee? What happens then?

A. I explained that earlier, but I will explain it again. So if they are on the program and somebody tries to file a complaint, they are immediately sent an e-mail that's tailored for their business with things like, the company wants to make things right for you. This is going to be sent to company executives to make things right with you. Nobody is going to sue you, because they have agreed to that in writing. I mean, it's a whole bunch of things that are in there. So you know, the whole idea of the report -- of the e-mail is to assure