

EXHIBIT 39

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*** UNEDITED UNCERTIFIED TEXT ***

e-mail editor at rip off report?

A. You know what, I don't want to answer that question until I know what the date is of that e-mail. I don't know why that's missing.

Q. Okay. And looking at that e-mail, you refer to a link. What is that link referring to?

A. Well, it's referring to -- when you drove me crazy because you never filled out the form, because you must have told me, which I think the recordings reflect that same thing, that, you know, he is saying he filled it out, and you know he wants to know who is trying to beat me into asking him for money, which I wasn't going to do and so in the e-mail, I've given him a link to this is the form you need to fill out, because he was playing dumb. Check what.

Q. That's the first form you need to fill out in order to roll in the CAP?

A. Correct.

Q. Does this e-mail look authentic to you?

A. Can I say a hundred percent for sure, I don't know. I can't say that for sure. It could be. That sounds like something that I would write back, but I don't know if something is added or something is taken away.

EXHIBIT 40

...by consumers, for consumers ...scams, consumer complaints, and frauds reported. File a report, post your review or experience!

[Register to File a Report](#) | [Login](#) | [Help](#)

Ripoff Report

Don't let them get away with it.® Let the truth be known! HOME



SEARCH COMPANY OR REPORT #
Search
Use Advanced Search Latest Reports

- Our Program
- How It Works
- Benefits of Joining
- What Customers Say
- Application To See If You Qualify

Corporate Advocacy Program

How It Works:

If you've had a negative complaint filed about your company on the Internet, help is just a click away. Ripoff Report's Corporate Advocacy Program is a Web-based program that helps you put a restitution plan in place to right customer wrongs, turn bad buyer experiences into good customer service, and prove to your customers that your business is committed to their satisfaction.

Turn negative customer service experiences into positive opportunities for your business.

Businesses of all sizes have customer complaints and can benefit from Ripoff Report's Corporate Advocacy Program, from sole proprietorships to large multinational corporations.

Ripoff Report's Corporate Advocacy Program...

1. Verifies all reports and rebuttals, determines the truthfulness of the complaints and exposes those posted erroneously or maliciously.
2. Sends a positive email that we draft together to each person who posted a report about your company, notifying them your firm has offered to negotiate in good faith to resolve their complaint.
3. Updates all reports with your commitment to right customer wrongs.
4. Gives you, our member business, the opportunity to provide your side of the story and link to your own website, where you may post your commitment.

When you demonstrate your commitment to improving the relationships you have with your customers, you build goodwill inside and outside the company. If you heard a company say, "We are glad this came to our attention, and we want unhappy customers to contact us because we're committed to 100% customer satisfaction, *and* we're taking actions that will ensure this never happens again," you'd think well of the company, and so would its prospective customers.

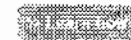
Few are able to admit their involvement in any wrongdoing. Few are willing to go so far in pleasing their customers. Not everyone is up to the task. Are you?

Take responsibility for your business and your customers by becoming a member today.

Note on Qualification:

- Fees for enrolling in the program are based upon the number of Reports filed and in some cases, the number of offices you have. Additionally, there is a flat set-up fee to offset the costs associated with programming and contract legalities. Rate sheets will be sent upon completion and verification of the intake questionnaire.
- If participation in this program would honestly create a financial hardship, but you desire to participate, we will work with you to find a way to make it work. This may require providing financial

Get 5% cash back on signature debit purchases when you open a qualifying checking account.



citibank

On eligible purchases only through November 30, 2011.

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Q. And when did those appear?

A. On those reports.

Q. On every report?

A. Yes, we used to only do the reports that showed up on search engines.

Q. Okay.

A. But we do it on every report.

Q. When did you start doing it on every report?

A. Probably -- I want to say maybe two years ago. I'm not even sure.

Q. Okay.

A. But it's -- it's at least two years ago. It used to only be the reports, like I said, that are found on search engines.

Q. Right. Okay. All right. And how are the search engines affected when a member enrolls in the CAP program?

MR. GINGRAS: Objection. Form.

THE WITNESS: Usually the search engine will change and take new form of the new title and stuff like that.

Q. BY MR. BLACKERT: So correct me if I'm wrong, instead of the negative being the search engine results,

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you will have a positive in the search engine results?

A. It still says rip off report investigation.

Q. And then what else does it say?

A. The company's commitment. They are the ones that have to live up to it. If they don't, we will know about it.

Q. Okay. Now, how is that different for people who file a rebuttal?

A. People who file a rebuttal get to post whatever they want. They can post a picture. They can post a ruling that they went to court. They can make their own title. You know, they make their own title. They create, you know, what they want to say.

Q. And where does the rebuttal appear?

A. Just under the complaint. But their title is at the top.

Q. Okay. And how does the rebuttal affect the search engine results?

A. Objection. Form. Vague.

THE WITNESS: That should also change, but nothing is ever guaranteed, even with what we do, nothing is ever guaranteed, because we don't know what the search engines will do or not do.

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sign in, create your profile, can you go in and file your own title, you know, this employee never worked here and is only retaliating against us because we fired them. And then you type there is no limit. You can type and you can add evidence, pleadings, pictures, anything you want just as long as it's no threats, Social Security numbers, tax ID numbers, anything that can cause identity theft.

Q. Does Excentric check the authenticity of these rebuttals?

A. No.

Q. Okay -- strike that.

THE WITNESS: When you strike something, does that even appear there? It still does? Big deal.

Q. BY MR. BLACKERT: The title that the user creates and then the rebuttal section, is that permanent?

A. Permanent.

Q. Do you have -- does Excentric have discretion to go in and alter that rebuttal?

MR. GINGRAS: Objection. I think that calls for a legal conclusion.

THE WITNESS: I can't answer that. Just ask the question again.

Q. BY MR. BLACKERT: Okay. I'll just strike it.

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I won't even bother -- I won't even bother you with it.

A. I would have given you something juicy.

Q. Do you feel -- strike that.

Does Excentric feel that the rebuttals are as prominent as the investigations in the CAP program?

A. Well, the investigation is a whole separate report that's posted that we do. So it's -- it's its own -- has its own life.

Q. Is it as prominent on the search engine results?

A. No, actually, very seldom do they come on the search engine. I have seen them, but the main report we do may not be on the search engine. Actually, it is but maybe it's just not as prominent. Everything that's on rip off report gets on the search engine.

MR. GINGRAS: I think he is asking you about rebuttals versus report investigations. Listen to his question.

Q. BY MR. BLACKERT: You can continue.

A. There was nothing to continue on. But go ahead. What's your question?

MR. BLACKERT: Can you read back the question, please and the answer.

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Q. Or it's a fixed rate for the 36 months?

A. Right. Yes.

Q. Now, the initial rate sheet, is that a fixed rate, also, or does that change over time?

A. Say that again, sir.

MR. GINGRAS: I think you guys are talking past each other. I think he is talking -- when he is saying rate sheet, I think you mean pricing.

THE WITNESS: Just ask your question again.

Q. BY MR. BLACKERT: The initial rate sheet that you send the subject of a rip off report --

A. Okay.

Q. -- is that -- does that price change for that person over time?

A. No. I have -- I just answered that question.

Q. Okay.

A. You said -- all right. Yeah, it doesn't change.

Q. Okay. And I want to point you to Exhibit I again, which is a series of e-mails between my clients and you. We will turn to page -- let me see. -- page 5.

A. This one?

Q. Yes. There is a link at the bottom of that --

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strike that.

The e-mail reads on the bottom, you need to click on this link and fill out the form. Is that the same form that exists on your website today?

A. Yes.

Q. It's the same form?

A. Yes.

Q. Okay. Let's go to the page -- let's see. Do you see the page numbers here on the bottom? Let's go to 7 of 8. One of the bullet points, it reads, ~~the first~~ bullet point on the bottom, can you read that to me?

A. This programs changes a negative listing on a search engine into a positive -- along with the reports on rip off reports. Reports are never deleted.

Q. What does Excentric mean by that statement?

A. It will change from the listing, the way it read before, to the way it is now. But I also say in the agreement, it says there is no guarantee. And I think it's somewhere else in here, it says there is no guarantee, but I know it does say in our agreement that there is no guarantee that, you know, a listing with change. They do, but there is no -- I have no idea why they change or whatever. But anyway.

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Q. But what do you mean when you say that, though?

A. What do you mean.

Q. What does Excentric mean when they say they change the negative listings on search engines into a positive on all the reports on rip off report?

A. Because we are taking their commitment and throwing it into the title of the report, the negative report, and the search engine usually picks up on that.

Q. The search engine picks up on what?

A. On the title.

Q. And the new title would be what?

A. Rip off report investigation with some commitment from the company that they are agreeing to, that they've told us or whatever.

Q. Now, let's look at the bottom of that page. You provide a link. Do you see the link on the bottom of the page?

A. Yes.

Q. On page 7 of 8?

A. Uh-huh.

Q. Of Exhibit I. I'd like to show you what we have marked as Exhibit H. That is where -- well, first,

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Q. But what do you mean when you say that, though?

A. What do you mean.

Q. What does Excentric mean when they say they change the negative listings on search engines into a positive on all the reports on rip off report?

A. Because we are taking their commitment and throwing it into the title of the report, the negative report, and the search engine usually picks up on that.

Q. The search engine picks up on what?

A. On the title.

Q. And the new title would be what?

A. Rip off report investigation with some commitment from the company that they are agreeing to, that they've told us or whatever.

Q. Now, let's look at the bottom of that page. You provide a link. Do you see the link on the bottom of the page?

A. Yes.

Q. On page 7 of 8?

A. Uh-huh.

Q. Of Exhibit I. I'd like to show you what we have marked as Exhibit H. That is where -- well, first,

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let me ask you. If one clicks on that link, page 7 of 8 of Exhibit I on the bottom, do they appear -- are they directed to Exhibit H, this exhibit?

A. Yes.

Q. Okay. And does this appear as an accurate depiction of the web page?

A. It appears to be, but anything is possible.

Q. So you in this e-mail directed my client to the page I'll refer to as Exhibit H?

A. Yes, somewhere in this long e-mail that explains a lot of the different things. We give that as an option.

Q. So again, my question is, did you direct my client to that specific web page?

A. The e-mail does.

Q. The e-mail does?

A. Yeah, buried in this long e-mail.

Q. And who wrote the e-mail?

A. I did.

Q. Is this a form e-mail you send out to everyone?

A. Yes. Actually, this e-mail has been updated. It is basically or probably the same. It's mostly the

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same, but there are some slight changes. Just like anything else, you read it over and you see.

Also, I want to note for the record that everything that you are basically giving me, there are different types of changes that have nothing to do with the cause of anything from rip off report. Somebody has taken this -- to my best guess, is somebody is taking your documents, threw them into a Word document, and then changed and made these weird characters, and/or it could have redacted certain things, because there is a problem with the old Word on Microsoft Word. It's a known flaw with Microsoft. And so things could be missing from this and/or words changed completely because of characters.

Q. Do you recognize anything that's missing from this?

A. I don't -- I'm just saying it is so long, there is no way I could -- I would even have the patience to even look at it at this late hour already that we are doing this.

Q. Does anything jump out at you?

A. I'm not looking at it for that. I'm noticing the constant characters that might have changed or something that's there.

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Q. Okay.

THE VIDEOGRAPHER: Counselor, I'm sorry to bother you again, but can you raise your microphone up a little bit.

Q. BY MR. BLACKERT: What I can show you now is the actual Internet website from the web page and ask you if that's an accurate depiction of the link that you sent to my client. We can pull it up on the computer here. Just one second. I'm going to introduce now exhibit K are documents from another litigation specifically the high site case. All right. Strike that.

Take a look at --

A. This water is getting me nervous.

Q. Yeah, I'm going to move it. Take a look at this web page and let me know if it's an accurate depiction of what I have marked as Exhibit H here. Or why don't you take your Exhibit H or David's, because mine has markings on it.

A. David, do me a favor, on your computer, where is that link that you said, what page is that on, 7 of 8.

Q. 7 of 8.

A. No, I'm going to give you a specific web address to go to because --

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Q. I just want you to look at Exhibit H and tell me if --

A. What was the link that you pointed to, please?

Q. On page 7 of 8, take it from the beginning, and it's going to be that one.

A. David, please go to WWW dot rip off report dot com forward slash corporate -- I don't know if there is a slash there. It seems to be.

MR. GINGRAS: Tell me what the end of it is.

THE WITNESS: Corporate advocacy dot ASP.

MR. GINGRAS: CAP join?

THE WITNESS: This is probably, I think, an old link, but it probably forwards to the new links. I'm sure it takes you to what's on the --

Q. BY MR. BLACKERT: I just want you to look at Exhibit H, your Exhibit H, and tell me if it is identical to what is on this web page.

A. What's Exhibit H?

Q. I will show it to you.

A. That's K.

MR. GINGRAS: I see what you are saying.

THE WITNESS: H, I found it. I see it.

Q. BY MR. BLACKERT: Okay. Take a look at that,

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compare it to this website, and tell me if it's identical.

A. I have to see, because the link probably changed, and hopefully it's still a good link.

MR. GINGRAS: It does forward to a different -- and I entered in that address, which was an underscore. It was corporate underscore advocacy dot --

THE WITNESS: Oh, that's why I couldn't see it. Okay.

MR. GINGRAS: But it does forward to a different page.

THE WITNESS: But does it forward to this page? Let me see the page it is forwarding to. Yeah, okay, it's going -- but it's going to the page -- which page are you asking me if it goes to? H.

Q. BY MR. BLACKERT: H. I want you to look at H and what's on the computer screen and tell me if they are the same.

A. It's going to -- you have how it works and it's doesn't go to that page.

Q. Okay.

A. It's going to corporate advocacy program. It probably goes to our program, is really where it goes to.

THE VIDEOGRAPHER: I'm sorry, sir, your

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microphone fell off.

THE WITNESS: Oops. Well, that's okay. I have to find it. Oh, I got it.

Q. BY MR. BLACKERT: If you click on the link -- well, I will show it to you.

A. So the answer to your question is no.

Q. Click on the link --

A. It does not go when you click on that link, on exhibit -- in Exhibit I, page 7 and 8, are -- where --

Q. Okay. I just want you to look at this page. Okay. Strike whatever I asked you before, and tell me if it is identical to Exhibit H. Take your time.

A. It's not going to take my time. This looks to be the same. Is everything here, if you want I will spend an hour and I will make sure there is nothing missing. I don't know what you are doing with this document. Do I know everything that you have here is a hundred percent correct?

Q. You have it in front of you. Take your time.

A. You want me to go ahead and avow that I know it's the same document and you are answering this, then I will sit here if you like, I can spend -- it would probably take me about 40 minutes.

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Q. Okay. I will narrow it for you, then, make it easier for you.

A. It looks like it's pending any verification that I would have to do to see word for word if something was done.

Q. Okay. So what I want you to do is read -- while we are looking at the computer screen, read note on the qualification to the bottom. Read the two bullet points on the computer screen.

A. "Fees for enrolling this program are based upon the number of reports filed."

Q. No, I want you to read it from the computer screen.

A. "Fees for enrolling in the program is based" --

THE VIDEOGRAPHER: I'm sorry, sir, your microphone is muffled.

MR. GINGRAS: Move it up higher, Ed.

THE WITNESS: "Note on qualification, fees for enrolling in the program are based upon the number of reports filed. The number of offices you have, like I told you before, it should be all the number of offices you have. And as I testified before, and/or the size or

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average sale is a mistake. It belongs in with the paragraph of the bullet down below. So why are you asking me this all over again?

Q. Okay. What I'm going to ask you to do is just read it in the record with no explanation.

A. "Additionally, there is a flat set up fee to offset the cost associated with programming in contract legalities. Rate sheets will be sent upon completion and verification of the intake questionnaire, which I testified to. In participation in the program would honestly create -- oh, if participation in the program would honestly create a financial hardship but you desire to participate, we would work with you to find a way to make it work. This way, we require providing financial documents providing hardship."

And again for the record, that first bullet point makes no sense. There was something that was left in there. It was at one time corrected, and somehow -- I'm going to state again, I'm glad that I had this deposition just for the -- just on this thing alone.

Q. Now, can you read the first -- just read the first bullet point into evidence. That's it. I don't want any corrections or anything. Just read what it says.

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MR. GINGRAS: Asked and answered.

THE WITNESS: I already read it and I
already --

Q. BY MR. BLACKERT: I believe you did not. I believe you read it with your corrections. I did not want any corrections in there.

A. Well, that's the way I was reading it, and that's the way I'm reading it. I'm not going to read it again. I've read it three or four times already and that's the way --

Q. You read it with your corrections. I'm asking you to read it without your corrections.

A. I'm going to refuse it.

Q. Okay. Then I will read it into the record.

Bullet point one, "Fees for enrolling in the program are based upon the number of reports filed, the number of offices you have, and/or the size of an average sale. Additionally, there is a flat set up fee to offset the costs associated with programming and contract legalities. Rate sheets will be sent upon completion and verification of the intake questionnaire."

And that is from the computer screen off the rip off report website.