



Lisa Borodkin <lborodkin@gmail.com>

AEI et al. v. Xcentric (C.D. Cal. 10-cv-1360) Draft Rule 26f Report

Lisa Borodkin <lborodkin@gmail.com>

Fri, May 7, 2010 at 11:41 PM

To: "<david@ripoffreport.com>" <david@ripoffreport.com>

Cc: Lisa Borodkin <lisa_borodkin@post.harvard.edu>, Maria Crimi Speth <mcs@jaburgwilk.com>, Daniel Blackert <blackertesq@yahoo.com>

David,

I appreciate your answer on the jury question.

I am very concerned by your email. What is it that you think I need to contact the State Bar or consult counsel about immediately? Do you mean before you send a demand letter on Monday, or is this something more urgent?

If you have anything to tell me about my personal ethical obligations, or reason to recommend that I retain counsel, please tell me directly what you are talking about and do not assume that my co-counsel has filled me in. I do not have all the facts. If it concerns the State Bar, be assured that I take any such matters extremely seriously.

Lisa

On May 7, 2010, at 9:50 PM, "David Gingras" <david@ripoffreport.com> wrote:

Lisa,

Prior to your departure from the depo this afternoon, I told you that I would give you a response to the jury trial issue by the end of the day. In order to fulfill that promise, I wanted to let you know our position – if this case goes to trial, we believe it is appropriate for the matter to be tried to a jury as the court's trial setting order already indicates.

As for the Rule 26(f) report, for reasons that I am sure Dan has explained to you by now, I believe it is inappropriate to have any further discussions about any substantive aspect of this case unless and until you and Dan have an opportunity to meet and confer with your clients re: their intentions going forward. I also strongly recommend that both you and Dan immediately contact the State Bar of California and/or seek independent legal counsel regarding your personal ethical obligations under the California Rules of Professional Conduct and California Business & Professions Code in light of today's developments.

For now, my intent is to send you and Dan a comprehensive demand letter on Monday which sets forth Defendants' positions as to numerous legal and ethical issues in light of today's developments. Until that letter is sent, and until you have a chance to review and respond to it, I believe it is inappropriate to discuss any further aspects of this case.

I will forward my letter to you on Monday and we can then discuss where things stand and how this case will be proceeding, if at all.

David Gingras, Esq.

General Counsel

Xcentric Ventures, LLC

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David@RipoffReport.com

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