



Jack Paschal <jack.f.paschal@gmail.com>

Fwd: AEI x. Xcentric: Further Deposition

Lisa Borodkin <lisa@lisaborodkin.com>

Fri, Jun 25, 2010 at 5:11 PM

To: raymond@asiaecon.org, iliana@asiaecon.org, Jack Paschal <jack.paschal.2012@lawmail.usc.edu>, Tim Hoffman <tmhlegal@yahoo.com>

----- Forwarded message -----

From: **Lisa Borodkin** <lisa@lisaborodkin.com>

Date: Fri, Jun 25, 2010 at 5:11 PM

Subject: Re: AEI x. Xcentric: Further Deposition

To: "<david@ripoffreport.com>" <david@ripoffreport.com>, Maria Crimi Speth <mcs@jaburgwilk.com>, Paul Berra <paul@berra.org>

Cc: Daniel Blackert <blackertesq@yahoo.com>, kristi@asiaecon.org, alexandra@asiaecon.org

Counsel:

Here is the letter ordered by the Court yesterday regarding additional subject areas for oral examination.

Please note that there are no line numbers on the rough transcript from the Magedson deposition. Accordingly, they are referenced by page number only.

We would also like to schedule the deposition of Ben Smith for the same day. Please let me know a few dates that work for both of them.

Thanks,

Lisa

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June 25, 2010

Via E-MAIL

David Gingras, Esq.
Gingras Law Office, PLLC
4072 E. Mountain Vista Dr.
Phoenix, AZ 85048

Re: Asia Economic Institute v. Xcentric Ventures, LLC, et al.
Case No.: SC106603

Dear David:

Pursuant to the Court's order on the record at the June 24, 2010 hearing on our motion to compel the deposition of Ed Magedson and related relief, here are the questions your clients refused to answer in the 30(b)(6) deposition of Xcentric Ventures, LLC and deposition of Edward Magedson. We would like to depose Xcentric's 30(b)(6) designee and Mr. Magedson on the following topics:

1. 30(B)(6) Deposition of Xcentric Ventures LLC – Questions Not Answered

16:5-17	Regarding Exhibit B, which mentions that Creative Business Investment Concepts, Inc., is involved with Xcentric. DG objects as it is outside the scope of the 30(b)(6) depo. No Further answer from EM.
18:6-23	DG objects as outside the scope. Magedson refuses to discuss David Bedore's role in Xcentric.
22-23:12-5	DG objects as outside the scope. Will not answer questions re: Creative
26-27:18-10	DG objects as outside the scope. Will not answer questions re: Creative
75:8-18	DG objects re protective order and witness refuses to answer questions re "What service do you use to record phone calls?"
99:7-22	Dg objects that it calls for a legal

	conclusion and EM refuses to answer the steps that ROR goes through in order to take down posts.
121-122: 18-12	DG objects on the grounds of a proposed protective order and witness refuses to answer questions re: how many members of the CAP program there are, including a range of members.
194-5:6-4	DG objects on the grounds of a proposed protective order and witness refuses to answer questions re: workers who monitor the ROR website

2. Ed Magedson Deposition ROUGH COPY – Questions Not Answered

27-28	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding how many members are in the CAP on the grounds of a proposed protective order that has never been signed. Magedson complies and refuses to answer.
54	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding who owns Xcentric bc it would be subject to a protective order. Mr. Magedson does not answer.
55	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding payment. DG will not allow EM to get into specific numbers.
59	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding who keeps track of what EM does not.
61 & 63	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding David J. Bedore (Creative)
68	Mr. Magedson is instructed by his attorney, that the question is subject to the proposed protective order and that EM can answer if he can. EM responds that he does not know how to answer the question.
69	Mr. Magedson is instructed by his attorney, not to answer a question re if he has any other sources of \$ besides Xcentric. EM answers anyway and responds only Xcentric.
86-89	Mr. Magedson refuses to answer questions regarding whether he uses a cell phone bc he does not want to be tracked.
123-124	Mr. Magedson refuses to answer questions

	as to whether he was operating at a loss before the last 2 years on the grounds of a protective order. DG ratifies EM's objections.
147-147	Mr. Magedson refuses to discuss any instance where a positive post was posted on ROR.
168	Mr. Magedson is instructed by his attorney, DG not to answer questions regarding whether the CAP pays for itself.
173-173	When asked whether EM thinks that Mobalisa requires a subpoena. DG objects on the grounds of legal conclusion. Mr. Magedson refuses to answer even though he knows what a subpoena is.
178	When asked what Rule 11 is, DG objects on grounds of legal conclusion. Mr. Magedson responds that he has no clue.


3. Documents Not Produced Because of Protective Order Which Plaintiffs Request and on Which Plaintiffs Request Examination

1. Emails sufficient to show the typical manner in which Xcentric Ventures gives price quotes for enrollment and monthly fees for the Corporate Advocacy Program ("CAP").
2. Sample rate sheet for the costs of the CAP given to potential CAP members in 2009 and 2010.
3. The second questionnaire that Xcentric provides to potential CAP members prior to enrollment ("Second Questionnaire"), as identified in the 30(b)(6) deposition of Xcentric).
4. Documents sufficient to evidence a typical contract between Xcentric and a CAP member (which can be one of the CAP members identified in the 30(b)(6) deposition of Xcentric).
5. Documents sufficient to evidence a typical example of the responses to the Second Questionnaire by a successful CAP applicant that ultimately enrolled in CAP.
6. Documents sufficient to evidence the recorded messages played to plaintiff Raymond Mobrez before he was connected to a representative of Xcentric, at the time of the recorded conversations between Plaintiff Raymond Mobrez and Defendant Ed Magedson, as identified in the Defendant Motion for Summary Judgment.
7. Documents sufficient to evidence the recorded messages callers to Xcentric now hear since the recording has been changed to notify callers that calls may be recorded.
8. Documents sufficient to evidence the date that Xcentric's recorded messages and telephone prompts were changed to notify callers that calls may be recorded.
9. Documents sufficient to evidence a typical request from a person/company to be enrolled in CAP, after having been notified of the opportunity to rebut a negative "Ripoff Report," as identified at the 30(b)(6) deposition of Xcentric.

Please let me know your position on permitting examination on these topics and providing the requested documents in the next seven (7) days, as I believe the Court ordered.

Thank you.

Very truly yours,


Lisa J. Berodkin
Daniel F. Blackert

cc: Maria Crimi Speth, Esq.
Paul Berra, Esq.