

Fwd: Asia Economic Institute v. Xcentric Ventures (C. D. Cal. 10-cv-1360) Motion to Compel Deposition of Edward Magedson and Xcentric Ventures LLC

Lisa Borodkin <lisa_borodkin@post.harvard.edu>
To: Jack Paschal <jack.paschal.2012@lawmail.usc.edu>

Thu, Jul 8, 2010 at 4:19 PM

Forwarded conversation

Subject: **Asia Economic Institute v. Xcentric Ventures (C. D. Cal. 10-cv-1360) Motion to Compel Deposition of Edward Magedson and Xcentric Ventures LLC**

From: **Lisa Borodkin** <lisa_borodkin@post.harvard.edu>

Date: Fri, Jul 2, 2010 at 7:46 PM

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From: **Lisa Borodkin** <lisa_borodkin@post.harvard.edu>

Date: Fri, Jul 2, 2010 at 7:47 PM

To: alexandra@asiaecon.org, kristi@asiaecon.org, Jack Paschal <jack.paschal.2012@lawmail.usc.edu>, iliana@asiaecon.org, raymond@asiaecon.org

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From: **Maria Crimi Speth** <mcs@jaburgwilk.com>

Date: Tue, Jul 6, 2010 at 1:15 PM

To: Lisa Borodkin <lisa_borodkin@post.harvard.edu>, celia_anglon-reed@cacd.uscourts.gov

Cc: david@ripoffreport.com, paul@berra.org <paulsberra@gmail.com>, Daniel Blackert <blackertesq@yahoo.com>

Dear Ms. Anglon-Reed:

Please allow this to serve as our response to Lisa Borodkin's email of July 2, 2010.

On June 25, 2010, AEI provided a table of 22 "topics" on which they sought to re-depose Ed Magedson. AEI made no effort to narrow the list in any manner. Indeed, the list included topics that they admitted Magedson already answered.

On July 2, 2010, one week later, Xcentric provided its position on each of those topics. (both letters are attached to Ms. Borodkin's email).

21 minutes after Mr. Gingras sent his position, Ms. Borodkin sent an email asking to call the Court together. At my insistence, we first had a personal consultation and narrowed the 22 topics to three.

The three remaining topics and Xcentric's positions are:

1. The number of CAP members (items 7 & 9 in Mr. Gingras's letter)

The number of CAP members is not relevant. Plaintiff has taken the position that the number of members is material to the RICO claim of pattern. While Defendants certainly dispute that providing services to its customers is neither extortion nor a predicate act, Defendants do not dispute that it has many customers. There is no relevance to the exact number and forcing a third deposition to ask this questions does not make sense. It is unlikely that Mr. Magedson knows the exact number off the top of his head, and this question, if it were relevant, would be better asked in an interrogatory.

2. Questions related to Mr. Magedson's cell phones. (item 16 in Mr. Gingras's letter)

In the meet and confer, Ms. Borodkin refused to respond to our inquiry as to what questions she still needs to ask. Xcentric has offered to provide the cell phone bills to the Court for in camera review so that the Court can confirm there are no calls to whichever numbers Mr. Mobrez identifies as his. In her email, Ms. Borodkin suggests that Mr. Magedson should review his phone records to refresh his memory and then testify. Mr. Magedson has already testified that he had no conversations with Mr. Mobrez other than those reflected in the recordings. It is a complete waste of resources for Mr. Magedson to be deposed again to state what he has already stated.

3. Questions about positive postings on Rip-off Report. (item 18 in Mr. Gingras's letter)

Xcentric's position is simply that Mr. Magedson already answered that question. Also, as explained in the meet and confer, AEI can review the Ripoff Report website at any time to find all of the positive postings.

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From: lborodkin@gmail.com [mailto:lborodkin@gmail.com] **On Behalf Of** Lisa Borodkin
Sent: Friday, July 02, 2010 7:46 PM **Cc:** <david@ripoffreport.com>; Maria Crimi Speth; paul@berra.org; Daniel Blackert

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4 attachments

 **June 24 2010 Order on Discovery 10-cv-1360.pdf**
14K

 **June 24, 2010 Order Continuing MSJ Hearing 10-cv-1360.pdf**
9K



June 25, 2010 letter AEI to Xcentric.pdf

84K



July 2, 2010 letter Xcentric to AEI.pdf

167K
