



Lisa Borodkin <lborodkin@gmail.com>

---

## Meet and confer

---

Lisa Borodkin <lborodkin@gmail.com>

Mon, Jun 28, 2010 at 3:02 PM

To: david@ripoffreport.com

Cc: Maria Crimi Speth <mcs@jaburgwilk.com>, paul@berra.org, Daniel Blackert <blackertesq@yahoo.com>

Yes. Sorry, i meant 56f.

Can you do it today - no more than 5 minutes, unless you need longer. Just to comply with the prefiling rules.

If tomorrow is better we can do that too.

Lisa

[Quoted text hidden]

--

Lisa J. Borodkin

[lisa@lisaborodkin.com](mailto:lisa@lisaborodkin.com)

323-337-7933

---



Lisa Borodkin &lt;lborodkin@gmail.com&gt;

---

## Meet and confer

---

David Gingras &lt;david@ripoffreport.com&gt;

Mon, Jun 28, 2010 at 3:22 PM

Reply-To: david@ripoffreport.com

To: Lisa Borodkin &lt;lborodkin@gmail.com&gt;

Cc: Maria Crimi Speth &lt;mcs@jaburgwilk.com&gt;, paul@berra.org, Daniel Blackert &lt;blackertesq@yahoo.com&gt;

Lisa,

I take the meet-and-confer rules pretty seriously, so I think we obviously need to follow them. At the same time, to the extent you're asking me to agree to give you more time to do discovery in order to respond to our MSJ, I don't think that request is timely; I think it could and should have been done 6+ weeks ago rather than on the eve of a MSJ hearing and barely 30 days before trial. These are important points because in the event you were successful in obtaining Rule 56(f) relief, there would be severe prejudice to Defendants (unless, of course, the trial date is vacated).

Having said this, why don't you explain to me what discovery you feel you need and why you haven't been able to obtain it. As you know, you will need to explain this to the court in your Rule 56(f) motion anyway, so why not give me your position so I can consider it. Who knows, I may even agree with your request if there's a good factual basis for it of which I'm not presently aware.

Also, despite the fact that we usually meet and confer via phone, I think we need to start doing this in writing so there's no dispute about who said what to whom.

David Gingras, Esq.

General Counsel

Xcentric Ventures, LLC

<http://www.ripoffreport.com/>[David@RipoffReport.com](mailto:David@RipoffReport.com)

PO BOX 310, Tempe, AZ 85280

Tel.: (480) 668-3623

Fax: (480) 248-8326

---

**From:** Lisa Borodkin [mailto:[lborodkin@gmail.com](mailto:lborodkin@gmail.com)]**Sent:** Monday, June 28, 2010 3:02 PM

**To:** [david@ripoffreport.com](mailto:david@ripoffreport.com)

**Cc:** Maria Crimi Speth; [paul@berra.org](mailto:paul@berra.org); Daniel Blackert

**Subject:** Re: Meet and confer

[Quoted text hidden]

---



Lisa Borodkin <lborodkin@gmail.com>

---

## Meet and confer

---

Lisa Borodkin <lborodkin@gmail.com>

Mon, Jun 28, 2010 at 3:33 PM

To: Lisa Borodkin <lborodkin@gmail.com>

Cc: "<david@ripoffreport.com>" <david@ripoffreport.com>, Maria Crimi Speth <mcs@jaburgwilk.com>, "<paul@berra.org>" <paul@berra.org>, Daniel Blackert <blackertesq@yahoo.com>, alexandra@asiaecon.org, kristi@asiaecon.org

The basis is Defendants are resisting discovery, we got an order to compel, we think we can dispose of the matter on cross-motions for summary judgment or settle the matter with additional narrow but needed discovery.

Please also let me know if you will split costs of Thursday's transcript.

Lisa

[Quoted text hidden]

[Quoted text hidden]

---



Lisa Borodkin &lt;lborodkin@gmail.com&gt;

---

## Meet and confer

---

Lisa Borodkin &lt;lborodkin@gmail.com&gt;

Mon, Jun 28, 2010 at 5:29 PM

To: "&lt;david@ripoffreport.com&gt;" &lt;david@ripoffreport.com&gt;

Cc: Maria Crimi Speth &lt;mcs@jaburgwilk.com&gt;, "&lt;paul@berra.org&gt;" &lt;paul@berra.org&gt;, Daniel Blackert &lt;blackertesq@yahoo.com&gt;, alexandra@asiaecon.org, kristi@asiaecon.org

David,

I would appreciate it if you could keep the focus on the merits.

Please let me know what is not accurate in the email. If there is anything inaccurate there I will correct it.

If you will not meet and confer with us on this routine motion in good faith and attempt to impose preconditions on the conference unilaterally that are not in the Rules, I will have no choice but to submit a declaration and/or these emails showing our efforts to comply with Local Rule 7-3.

The factual and legal basis for the motion is set forth adequately in our Opposition to Defendants' motion for summary judgment, these emails and in the Magistrate's order on the record Thursday. I believe you understand the basis because your reply said the relief must be requested in a separate motion. We would like to make that motion.

We need the testimony and documents identified in my letter Friday. We need that to further show genuine issues for trial and/or prepare our motion for summary judgment. Our efforts to obtain it included making a partially successful motion to compel.

In my opinion we have already conferred substantively when we met and conferred last Thursday on Plaintiffs' proposed summary judgment motion. If we move, we would ask that cross-motions be consolidated and consideration of yours be deferred to maximize judicial efficiency.

I am making the request for a separate conference as a courtesy. I do not want this to be overly contentious.

Lisa

On Jun 28, 2010, at 4:47 PM, "David Gingras" <[david@ripoffreport.com](mailto:david@ripoffreport.com)> wrote:

Lisa,

Until you answer my preliminary questions about the Rule 56(f) you want to bring, I do not want to discuss it with you on the phone. LR 7-3 requires us to have a thorough discussion of the proposed motion, and I want to have such a discussion. While an in-person (phone) conference is preferable, it is not mandatory. Of course, I am happy to talk to you about your motion by phone, but I would like to see a written explanation of your position first so that I can understand what you are proposing and so there is no dispute about what that proposal was.

As for your comments below, they are neither accurate nor helpful. However, because these issues aren't relevant to the Rule 56(f) motion, I will not respond to them at this time.



Lisa Borodkin &lt;lborodkin@gmail.com&gt;

---

## Meet and confer

---

David Gingras &lt;david@ripoffreport.com&gt;

Mon, Jun 28, 2010 at 6:40 PM

Reply-To: david@ripoffreport.com

To: Lisa Borodkin &lt;lborodkin@gmail.com&gt;

Cc: Maria Crimi Speth &lt;mcs@jaburgwilk.com&gt;, paul@berra.org, Daniel Blackert &lt;blackertesq@yahoo.com&gt;

Lisa,

I am not the one refusing to meet and confer in good faith -- you are. Asking you to provide me with a written explanation of your position is completely reasonable and appropriate, especially given our long history of serious communication problems. I am trying to avoid further miscommunications, not cause you to jump through unnecessary hoops. If you have a valid argument re: Rule 56(f), you should have no objection to explaining your position to me. As I already stated, I am actually willing to consider agreeing to your request assuming the request has a valid basis. That's the point I am trying to make.

The fact that our MSJ Reply explained the proper legal procedure for seeking a discovery continuance under Rule 56(f) does not mean I understand your factual basis for seeking such relief. I do not understand the factual basis for your request, and the email from you below does not help.

A general reference to your pleadings or to your letter last Friday (which covered a broad range of topics such as the legal process a party must follow to obtain the identity of an anonymous author - clearly irrelevant to the MSJ) does not answer the two main questions I proposed to you:

1.) What specific discovery do you feel you need in order to fully respond to the MSJ? And

2.) Why is that specific discovery material to any of the issues in the MSJ?

Again, you would need to fully answer these questions in your motion, and as part of our mandatory meet-and-confer duties, you need to explain your position to me "thoroughly" as required by LR 7-3. If you do not, I will reluctantly ask the court to strike any motion you file until such time as you comply with your duties to meet and confer in good faith.

David Gingras, Esq.

General Counsel

Xcentric Ventures, LLC

<http://www.ripoffreport.com/>

David@RipoffReport.com

<http://www.ripoffreport.com/>

PO BOX 310, Tempe, AZ 85280

Tel.: (480) 668-3623

Fax: (480) 248-8326

-----Original Message-----

From: Lisa Borodkin [mailto:[lborodkin@gmail.com](mailto:lborodkin@gmail.com)]

Sent: Monday, June 28, 2010 5:30 PM

To: <[david@ripoffreport.com](mailto:david@ripoffreport.com)>

Cc: Maria Crimi Speth; <[paul@berra.org](mailto:paul@berra.org)>; Daniel Blackert; [alexandra@asiaecon.org](mailto:alexandra@asiaecon.org);  
[kristi@asiaecon.org](mailto:kristi@asiaecon.org)

Subject: Re: Meet and confer

David,

I would appreciate it if you could keep the focus on the merits.

Please let me know what is not accurate in the email. If there is anything inaccurate there I will correct it.

If you will not meet and confer with us on this routine motion in good faith and attempt to impose preconditions on the conference unilaterally that are not in the Rules, I will have no choice but to submit a declaration and/or these emails showing our efforts to comply with Local Rule 7-3.

The factual and legal basis for the motion is set forth adequately in our Opposition to Defendants' motion for summary judgment, these emails and in the Magistrate's order on the record Thursday. I believe you understand the basis because your reply said the relief must be requested in a separate motion. We would like to make that motion.

We need the testimony and documents identified in my letter Friday. We need that to further show genuine issues for trial and/or prepare our motion for summary judgment. Our efforts to obtain it included making a partially successful motion to compel.

In my opinion we have already conferred substantively when we met and conferred last Thursday on Plaintiffs' proposed summary judgment motion. If we move, we would ask that cross-motions be consolidated and consideration of yours be deferred to maximize judicial efficiency.