

Lisa Borodkin <lborodkin@gmail.com>

RE: AEI v. Xcentric - ED's Depo

David Gingras <david@ripoffreport.com>

Tue, Jun 8, 2010 at 7:49 AM

Reply-To: david@ripoffreport.com To: Lisa Borodkin <lborodkin@gmail.com>, paul@berra.org Cc: Maria Crimi Speth <mcs@jaburgwilk.com>, Daniel Blackert <blackertesq@yahoo.com>

Lisa,

Pursuant to Fed. R. Civ. P. 45, please note that Mr. Magedson objects to your subpoena dated June 4, 2010 for the following reasons.

First, the subpoena is void because it was not issued by the court in which the production of documents is to be made; e.g., the United States District Court for the District of Arizona. See Fed. R. Civ. P. 45(a)(2)(C).

Second, the subpoena seeks information which is not relevant to any claim or defense in this case. Pursuant to Fed. R. Civ. P. 26(b)(1), irrelevant information is not discoverable.

Third, the subpoena seeks information which is proprietary and confidential to Xcentric and/or third parties.

Fourth, the subpoena (which was served two business days before the production date) fails to allow a reasonable time to comply.

Subject to and without waiving the foregoing objections, Mr. Magedson has no relevant responsive documents for production at this time. Regarding request #7, the message that callers currently hear when they call Xcentric's main phone number can be established by simply calling that number and listening to the recording. There are no 'documents' in existence which reflect this message other than the audio message itself. In terms of the recording that was previously in place before the recent change, Xcentric does not have a copy of this but it is possible the third party vendor may have such a copy. Of course, your client necessarily listened to this message during each of his seven calls to Xcentric, so he should already be aware of exactly what the message said.

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From: Lisa Borodkin [mailto:lborodkin@gmail.com] Sent: Monday, June 07, 2010 6:30 PM To: david@ripoffreport.com; paul@berra.org Cc: Maria Crimi Speth; Daniel Blackert [Quoted text hidden]

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