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15 Attorneys for Defendants  
 16 Xcentric Ventures, LLC and  
 17 Edward Magedson

18 **UNITED STATES DISTRICT COURT**  
 19 **CENTRAL DISTRICT OF CALIFORNIA**

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 4072 EAST MOUNTAIN VISTA DRIVE  
 PHOENIX, ARIZONA 85048

20 **ASIA ECONOMIC INSTITUTE, LLC, et al.,**

21 **Plaintiffs,**

22 **vs.**

23 **XCENTRIC VENTURES, LLC, et al.,**

24 **Defendants.**

Case No: 2:10-cv-01360-SVW-PJW

**DEFENDANTS' RESPONSE TO  
 PLAINTIFFS' FIRST SET OF  
 REQUESTS TO ADMIT**

1 1. Admit that YOU currently charge an initial fee of Seven Thousand Five  
2 Hundred Dollars (\$7,500) for a PERSON to enroll in the Corporate  
3 Advocacy Program (hereinafter, "CAP").

4 **RESPONSE:**

5 Defendants object to this request on the basis that this request seeks information  
6 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
7 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

8 Subject to and without waiving the foregoing objection(s), Defendants answer the  
9 request as follows: deny.

10 2. Admit that the \$7,500 fee for a PERSON to enroll in CAP is currently the  
11 same for all members.

12 **RESPONSE:**

13 Defendants object to this request on the basis that this request seeks information  
14 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
15 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

16 Subject to and without waiving the foregoing objection(s), Defendants answer the  
17 request as follows: deny.

18 3. Admit that YOU require PERSONS that enroll in CAP to enter into a 36-  
19 month agreement ("CAP Agreement").

20 **RESPONSE:**

21 Defendants object to this request on the basis that this request seeks information  
22 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
23 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

24 Subject to and without waiving the foregoing objection(s), Defendants answer the  
25 request as follows: admit.

1 4. Admit that YOU require PERSONS that enroll in CAP to pay a monthly  
2 fee.

3 **RESPONSE:**

4 Defendants object to this request on the basis that this request seeks information  
5 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
6 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

7 Subject to and without waiving the foregoing objection(s), Defendants answer the  
8 request as follows: admit.

9 5. Admit that the monthly fee for a CAP member is a fixed fee between \$100  
10 a month and \$3,500 per month.

11 **RESPONSE:**

12 Defendants object to this request on the basis that this request seeks information  
13 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
14 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

15 Subject to and without waiving the foregoing objection(s), Defendants answer the  
16 request as follows: deny.

17 6. Admit that the monthly fee is a fixed rate over 36 months under the CAP  
18 Agreement.

19 **RESPONSE:**

20 Defendants object to this request on the basis that this request seeks information  
21 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
22 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

23 Subject to and without waiving the foregoing objection(s), Defendants answer the  
24 request as follows: admit.

1 7. Admit that YOU caused one or more telephone conversations between  
2 EDWARD MAGEDSON and PLAINTIFF, RAYMOND MOBREZ on  
3 April 12, 2010 to be recorded.

4 **RESPONSE:**

5 Deny.

6  
7 8. Admit that YOU caused a telephone conversation between EDWARD  
8 MAGEDSON and PLAINTIFF, RAYMOND MOBREZ on April 27, 2010  
9 to be recorded.

9 **RESPONSE:**

10 Deny.

11  
12 9. Admit that YOU caused a telephone conversation between EDWARD  
13 MAGEDSON and PLAINTIFF, RAYMOND MOBREZ on May 5, 2010  
14 to be recorded.

14 **RESPONSE:**

15 Deny.

16  
17 10. Admit that YOU caused a telephone conversation between EDWARD  
18 MAGEDSON and PLAINTIFF, RAYMOND MOBREZ on May 9, 2010  
19 to be recorded.

20 **RESPONSE:**

21 Deny.

22  
23 11. Admit that since January 1, 2009, YOU have been aware of YOUR  
24 practice of recording telephone conversations with PERSONS that call  
25 YOU.

25 **RESPONSE:**

26 Admit.

1 12. Admit that YOU quoted an enrollment fee of \$7,500 to at least one  
2 prospective applicant to CAP.

3 **RESPONSE:**

4 Defendants object to this request on the basis that this request seeks information  
5 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
6 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
7 Defendants further object on the basis that the term “enrollment fee” is not defined.

8 Subject to and without waiving the foregoing objection(s), deny.

9 13. Admit that YOU quoted an enrollment fee of less than \$7,500 to at least  
10 one prospective applicant to CAP.

11 **RESPONSE:**

12 Defendants object to this request on the basis that this request seeks information  
13 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
14 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
15 Defendants further object on the basis that the term “enrollment fee” is not defined.

16 Subject to and without waiving the foregoing objection(s), admit.

17 14. Admit that YOU quoted an enrollment fee of more than \$7,500 to at least  
18 one prospective applicant to CAP.

19 **RESPONSE:**

20 Defendants object to this request on the basis that this request seeks information  
21 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
22 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
23 Defendants further object on the basis that the term “enrollment fee” is not defined.

24 Subject to and without waiving the foregoing objection(s), admit.

1 15. Admit that YOU have quoted an enrollment fee of \$7,500 for CAP to at  
2 least one PERSON in the State of California.

3 **RESPONSE:**

4 Defendants object to this request on the basis that this request seeks information  
5 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
6 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
7 Defendants further object on the basis that the term “enrollment fee” is not defined.

8 Subject to and without waiving the foregoing objection(s), deny.

9 16. Admit that YOU have quoted an enrollment fee for CAP to at least one  
10 PERSON in the State of California.

11 **RESPONSE:**

12 Defendants object to this request on the basis that this request seeks information  
13 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
14 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
15 Defendants further object on the basis that the term “enrollment fee” is not defined.

16 17. Admit that YOU have offered to enter into the CAP Agreement with at  
17 least one PERSON in the State of California.

18 **RESPONSE:**

19 Defendants object to this request on the basis that this request seeks information  
20 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
21 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

22 18. Admit that YOU have entered into the CAP Agreement with at least one  
23 PERSON in the State of California.

24 **RESPONSE:**

25 Defendants object to this request on the basis that this request seeks information  
26 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
27 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
28

1 19. Admit that YOU redact portions of Ripoff Reports for PERSONS that  
2 enroll in CAP.

3 **RESPONSE:**

4 Defendants object to this request on the basis that this request seeks information  
5 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
6 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
7 Defendants further object to the extent the request is misleading insofar as it  
8 implies that changes to reports about persons who enroll in CAP have occurred as  
9 part of the CAP program.

10 Subject to and without waiving the foregoing objection(s), Defendants admit they  
11 have redacted portions of Ripoff Reports for persons who have not enrolled in  
12 CAP and also for persons who have enrolled in CAP. Defendants deny that  
13 changes to reports about persons who enroll in CAP have occurred as part of the  
14 CAP program.

15 20. Admit that JOHN BECK is a member of CAP.

16 **RESPONSE:**

17 Defendants object to this request on the basis that this request seeks information  
18 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
19 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

20 Subject to and without waiving the foregoing objection(s), Defendants answer the  
21 request as follows: admit.

22 21. Admit that participation in CAP requires monthly payments.

23 **RESPONSE:**

24 Defendants object to this request on the basis that this request seeks information  
25 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
26 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

27 Subject to and without waiving the foregoing objection(s), Defendants answer the  
28 request as follows: admit.

1 22. Admit that YOU will not consider a PERSON for enrollment in CAP unless  
2 they fill out two questionnaires.

3 **RESPONSE:**

4 Defendants object to this request on the basis that this request seeks information  
5 which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
6 the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).  
7 Defendants further object on the basis that the term “questionnaires” is unclear  
8 and/or misleading in this context.

9 Subject to and without waiving the foregoing objection(s), Defendants admit that  
10 there is currently one application form for the Corporate Advocacy Program  
11 located at <http://www.ripoffreport.com/CorporateAdvocacy/Application.aspx>.  
12 This form, which may or may not meet Plaintiffs’ definition of a “questionnaire”  
13 asks a series of questions to anyone interested in the CAP program. In addition to  
14 this form, Defendants admit that they generally ask various additional follow-up  
15 questions to anyone seeking information about the CAP program. These additional  
16 questions may or may not meet Plaintiffs definition of a “questionnaire”.

17 23. Admit that YOU publish “Ripoff Reports” on the Internet about  
18 PLAINTIFFS.

19 **RESPONSE:**

20 Deny.

21 24. Admit that YOU have made changes to portions of the RipoffReport.com  
22 website from January 1, 2009 to June 4, 2010.

23 **RESPONSE:**

24 Admit.

25 25. Admit that the fees for enrolling in CAP are based upon the number of  
26 “Ripoff Reports” filed.

27 **RESPONSE:**

28 Defendants object to this request on the basis that this request seeks information  
which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not  
the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

Subject to and without waiving the foregoing objection(s), Defendants answer the  
request as follows: admit.



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26. Admit that at least one PERSON that entered into the CAP Agreement with YOU failed to make at least one monthly payment.

**RESPONSE:**

Defendants object to this request on the basis that this request seeks information which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

27. Admit that on at least one occasion, YOU have attempted to cause a CAP member that failed to perform its obligation under the CAP Agreement to make monthly payments, to perform such obligation.

**RESPONSE:**

Defendants object to this request on the basis that this request seeks information which is irrelevant, is not within the scope of Fed. R. Civ. P. 26(b)(1), and is not the proper subject of a Request to Admit under Fed. R. Civ. P. 36(a)(1).

DATED July 6, 2010.

**GINGRAS LAW OFFICE, PLLC**

/S/ David S. Gingras  
David S. Gingras  
Attorneys for Defendants  
Ed Magedson and  
Xcentric Ventures, LLC

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that on July 6, 2010 I mailed the original of the foregoing to:

4

5 Mr. Daniel F. Blackert, Esq.  
6 Ms. Lisa J. Borodkin, Esq.  
7 Asia Economic Institute  
8 11766 Wilshire Blvd., Suite 260  
9 Los Angeles, CA 90025  
10 Attorneys for Plaintiffs

11 /s/David S. Gingras

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