

EXHIBIT 2

Adam S. Kunz

From: Shawn Birken [sbirken@rra-law.com]
Sent: Monday, July 23, 2007 7:29 AM
To: Adam S. Kunz
Subject: RE: XCENTRIC WHITNEY - letter regarding withdrawal of Motions to Compel

Thanks Adam. This is what I needed for the motions.



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From: Adam S. Kunz [mailto:ask@jaburgwilk.com]
Sent: Friday, July 20, 2007 6:51 PM
To: Shawn Birken
Subject: XCENTRIC WHITNEY - letter regarding withdrawal of Motions to Compel

I will send the original letter in the mail. Please call me to confirm that you will be withdrawing the motions to compel. I will be in Salt Lake this weekend but will check my voicemail.

This letter was almost finalized on Wednesday, but I was out of the office teaching a seminar all Wednesday, I am sorry

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that it didn't get out until today.

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7/24/2007



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Re: Whitney v. XCentric Ventures, et al.

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Daniel L. Hulsizer
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Laurence B. Hirsch
Lisa S. Soo
Laura A. Rogal

Dear Shawn:

This letter documents the agreements we reached on the telephone today about discovery, motions to compel, and the response to your Rule 56(f) motion. You agreed to withdraw the two motions to compel you have pending against Defendants, if I would send you a letter making certain representations. We also agreed to an extension of time to respond to your Rule 56(f) motion, and the two motions to compel, until July 25, 2007.

You asked for a specific representation about our discovery responses, and I believe what follows is what you asked for.

You have agreed to inspect the boxes of non-privileged litigation records when you come to Phoenix in August, and accept that we made them available to you as represented in the discovery responses. Other than that, Defendants have provided you with all known responsive documents through discovery responses. (That representation is subject to objections about the breadth of the requests, objections about Plaintiffs failure to identify specific defamatory statements, and all the objections we have made, however they may apply.) Defendants understand that you will renew motions to compel if you find indications that there are additional requested documents that have not been made available for your inspection, or produced to you.

We have agreed that you will depose two witnesses in the beginning of August, Ed Magedson and Ben Smith. I expect that one or both of them will be designated under 30(b)(6) as the witness knowledgeable about the categories of information that you have requested. I will review your request and clarify that as soon as possible. We further agreed that you can depose Mary Jo Baker by telephone on a convenient Saturday.

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Shawn L. Birken
July 18, 2007
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You have represented to me in our discussions that the "unexecuted" responses you sent me last Friday should be considered executed by counsel but unverified, and that verification is a formality and the answers will not change. I will be sending you a letter soon about the insufficiency of the responses. I still await your responses to other pending discovery requests. We have not established a formal due date for them. I request your responses by July 25, 2007. Please call me if you need to discuss these issues about the discovery to Plaintiff.

I should note also that, in our discussions, I represented to you that the truth and unclean hands defenses we raised have reasonable basis in the consumer complaints on Defendant's webpage. That is understood between the parties even if it is not expressly stated in discovery responses.

Based on our agreements, I believe you will formally withdraw your motions to compel. That will leave your Rule 56(f) motion in place, and we will file our opposition to that by July 25, 2007. It is still Defendants position that you have sufficient information to respond to the Motion to Summary Judgment without any additional discovery. Because of our discussions and agreements about discovery and your expected withdrawal of the motions to compel, I understand that your are seeking more time under Rule 56(f) based on your desire to take depositions of Ed Magedson, Ben Smith, and Mary Jo Baker, and any other 30(b)(6) representative we may designate in response to your requests, and not based on any written discovery requests. Please correct me if I am wrong because I intend to clarify that in the Response to your Rule 56(f) Motion.

Respectfully Yours,

JABURG & WILK, P.C.



Adam S. Kunz

ASK:lsm