

1 **Georgia"?**

2 A. Right, okay.

3 **Q. Okay. So let's assume his name really is**
4 **John.**

5 MS. SPETH: Where -- now I'm lost. What page
6 is that on?

7 MR. LIPPMAN: The last page.

8 MS. SPETH: Oh, good. Oh, oh, just the
9 signature. I'm sorry.

10 MR. LIPPMAN: Yeah. He signs off as John.

11 MS. SPETH: I understand. I'm sorry.

12 **Q. BY MR. LIPPMAN: Okay. And assuming that**
13 **cream_bar@hotmail.com, his real name really is John, it**
14 **looks like he submits what he believes should be a**
15 **rebuttal to a Rip-Off Report, right?**

16 A. Um-hum.

17 MS. SPETH: I think that misstates the e-mail.
18 Looks like he submits it as a report and Ed's should
19 have been --

20 THE WITNESS: Oh, okay. Right. Okay. What I
21 sent to him originally is at the top of 326.

22 **Q. BY MR. LIPPMAN: I got -- I understand.**

23 A. See, that's the first thing -- I said that's a
24 standard --

25 **Q. I gotcha. It starts on the bottom of the**

1 first page and it goes through the second and third
2 page, and you're telling him what you submitted is not a
3 -- is not a Rip-Off Report, it's a rebuttal?

4 A. Right. It's not going to do the company he's
5 reporting about --

6 Q. Okay.

7 A. -- to file a new report because nobody's going
8 to know what the hell he's talking about.

9 Q. And I presume that, from seeing this, that
10 when somebody submits the Rip-Off Reports that, as you
11 alluded to earlier, somebody's looking at them to remove
12 whatever the offensive materials are that we talked
13 about earlier, right? Make sure there's no social
14 security numbers or bank account numbers or pornography,
15 or things of that nature?

16 A. And if they're reporting a rip-off.

17 Q. Okay. If they're not reporting a rip-off, it
18 doesn't get posted?

19 A. Sorry, what you posted is not a rebuttal, it's
20 -- I mean, it's a rebuttal and not a new report.

21 Q. Okay.

22 A. Umm -- umm -- umm -- umm, "It is not
23 beneficial for you to file a new report. Certainly, no
24 benefit to the reported business or individual."
25 There's is no benefit to that because it's just creating

1 another report and nobody knows what he's really
2 rebutting because he's really rebutting, and he needs to
3 pick out a report to put his argument to.

4 **Q. Okay.**

5 A. Because it doesn't make any sense.

6 **Q. Okay. So somebody looks at the report, the**
7 **proposed Rip-Off Report?**

8 A. Right.

9 **Q. And, as you alluded to earlier, one of the**
10 **things they look at is for the inappropriate material,**
11 **the social security numbers or bank account numbers**
12 **or --**

13 A. And if it's a report.

14 **Q. -- profanity? And somebody's looking to see**
15 **whether it's really a report or not?**

16 A. Yes.

17 **Q. And if it's not a report, it doesn't get**
18 **posted?**

19 A. Right. We take the time to tell them, this --

20 **Q. It's not a report?**

21 A. -- is not beneficial to the business that
22 you're trying to report.

23 **Q. Okay. So --**

24 A. If we were trying to create more pages, we
25 would certainly just accept it. But it makes no sense

1 because --

2 Q. Okay.

3 A. -- it could end up getting categorized even
4 somewhere on a search engine that's not really going to
5 benefit the company. And I guess -- this is about who?

6 Q. Okay. And that's part of the process that the
7 folks who work at Xcentric who are -- I don't know what
8 -- what are the term -- what's the term you use for the
9 people who do that? Were they content reviewers or --

10 A. They're monitors.

11 Q. Monitors, okay. So the people who are
12 monitors at Xcentric, that's what they do, is they get a
13 peak at a report when it's submitted before it gets
14 posted to check all of these things we talked about,
15 both the offensive materials and whether it's actually a
16 report or not?

17 A. Correct.

18 Q. Okay. And if it -- if it has offensive
19 material, they black it out?

20 A. Or if it's -- yes. Or if it's too much
21 offensive material, it just doesn't get --

22 Q. It just doesn't get posted?

23 A. It just doesn't even -- we don't bother.

24 Q. Okay. And if it's not a report, it doesn't
25 get posted either?

1 A. Right. And they're sent an e-mail just like
2 this.

3 **Q. Telling you, sorry, this is not a report?**

4 A. We're really trying to help them.

5 **Q. Okay.**

6 A. All right.

7 MS. SPETH: Ed --

8 THE WITNESS: This isn't something that we're
9 trying to do to hurt them.

10 **Q. BY MR. LIPPMAN: Okay.**

11 MS. SPETH: -- just answer the question.

12 **Q. BY MR. LIPPMAN: And that's -- but that's what
13 the monitor's job is? That's what the monitor does?**

14 A. Yes.

15 **Q. And how many monitors work at Xcentric now?**

16 A. It's either six or seven.

17 **Q. Okay.**

18 A. Maybe eight. I don't think it's -- I don't
19 know if it's eight. I'm not sure.

20 **Q. How does Xcentric get the money to pay these
21 people?**

22 A. Attorneys like you donate. No, I'm kidding.
23 I shouldn't joke.

24 The corporate advocacy program.

25 **Q. So, the fees from the CAP program pay for all**

1 **the expenses for Xcentric?**

2 A. Pay for the expenses.

3 **Q. Including --**

4 A. I don't know about all.

5 **Q. Where does the rest come from? You?**

6 MS. SPETH: I'm going to object and say that's
7 not relevant.

8 MR. LIPPMAN: Okay. He still needs to answer.

9 MS. SPETH: No, I think -- I think it's not
10 relevant, and it's a financial question. And I don't
11 believe he needs to answer irrelevant stuff, so he
12 doesn't need to answer that.

13 MR. LIPPMAN: You're instructing him not to
14 answer that?

15 MS. SPETH: I'm not instructing him. I'm
16 saying it's not relevant. I'm saying --

17 MR. LIPPMAN: Okay.

18 MS. SPETH: -- your question does not ask --
19 I'm objecting to your question and saying it's not
20 relevant.

21 **Q. BY MR. LIPPMAN: You still need to answer the**
22 **question.**

23 MS. SPETH: Oh, no, no, no. You don't get to
24 instruct my client to do anything. He gets to decide.

25 MR. LIPPMAN: Unless you're going to instruct

1 him not to answer the question, you still need to answer
2 the question.

3 MS. SPETH: Oh, no. He gets to decide. It's
4 not relevant.

5 MR. LIPPMAN: A judge gets to decide that
6 ultimately, but --

7 MS. SPETH: That is right. Exactly true. I
8 agree with you there.

9 Q. BY MR. LIPPMAN: Sir, certain monies come from
10 the CAP program to pay for the expenses of Xcentric,
11 right?

12 A. To help pay for the expense, yes.

13 Q. Okay. And I assume the expenses are keeping
14 this website up and running and paying for the
15 employees?

16 A. Right.

17 Q. Is that generally what the expense are?

18 A. Legal bills.

19 Q. Legal bills and office?

20 A. More legal bills.

21 Q. Okay. More legal bills than office?

22 A. And more legal bills.

23 Q. Okay. Your counsel's entitled to earn a
24 living.

25 A. Oh, there's more -- there's more legal bills.

1 Actually, outside counsel cost a lot more than inside
2 counsel.

3 Q. I'm sure they do.

4 So, some of the money comes from the CAP
5 program, right?

6 A. Yes.

7 Q. Where does the rest of the money come from?

8 MS. SPETH: And I'm going to again say that
9 that is not a relevant question, and pursuant to Rule 26
10 it's not discoverable and he doesn't have to answer it.

11 Q. BY MR. LIPPMAN: Sir, I'd like you to answer
12 the question, unless your counsel's instructing you not
13 to answer it.

14 A. The question was -- what is your question?

15 Q. Where does the balance of the money come from
16 to pay for Xcentric Ventures to operate the Rip-Off
17 Report?

18 A. It's really simple. There is none.

19 Q. What do you mean "there is none"?

20 A. There is no other money. There's a little bit
21 of money from advertising revenue.

22 Q. But -- I mean, Xcentric does incur expenses,
23 right?

24 A. Yes.

25 Q. It has to pay the lawyers 12 times that you

1 told me, and to -- have the website up and running and
2 the people who work for it, right?

3 A. Correct.

4 Q. And you told me that some of the money to pay
5 all of those expenses comes from the CAP program?

6 A. Right.

7 Q. And by saying some of the money comes from it,
8 I assume that means not enough money to cover all of the
9 expenses?

10 A. Right, okay.

11 Q. Right?

12 A. Right.

13 Q. Is that accurate?

14 A. Yes.

15 Q. Okay. Where does the balance of the money
16 come from to pay for these expenses? I can't assume
17 that your counsel works for free, or your employees work
18 for free, or your --

19 MS. SPETH: Don't get any ideas.

20 Q. BY MR. LIPPMAN: -- website hosts work for
21 free. Where does the rest of the money come from to pay
22 those expenses?

23 A. There's some advertising revenue.

24 Q. Okay. And is the advertising revenue and the
25 CAP revenue sufficient to pay all Xcentric's expenses?

1 A. Not all the time.

2 Q. **And then where does the balance of that money**
3 **come from?**

4 MS. SPETH: Once again, I'm going to say
5 that's not relevant.

6 Q. **BY MR. LIPPMAN: Does it come from your**
7 **pocket?**

8 A. It comes from -- I hold off on the bills,
9 so...

10 Q. **I don't understand what you mean by --**

11 A. I hold off. I don't pay all -- I don't just
12 -- you know, just the bills don't get paid.

13 Q. **Okay. But at some point in time does -- the**
14 **revenue from the CAP program and advertising is**
15 **sufficient to cover all of Xcentric's expenses?**

16 A. No.

17 Q. **Well, you can't keep holding off bills**
18 **forever, right, because people will start complaining**
19 **about you on Rip-Off Report?**

20 A. Well, they -- no, before they're getting -- I
21 don't owe anybody that's mad at me.

22 Q. **Okay.**

23 A. So, I mean, I -- I have outstanding legal
24 bills.

25 Q. **So you're just accruing those expenses and the**

1 people, for the grace of God, are letting you not pay
2 it?

3 A. I don't know if you need to bring God into
4 this.

5 Q. Well, whatever. In their good graces are not
6 let -- are not complaining about the fact that their
7 bills are not gating paid?

8 A. Yeah, I guess, yes.

9 Q. Okay. Do you personally contribute any money
10 towards the expense of Xcentric?

11 MS. SPETH: I'm going to object. That's not
12 relevant and he does not have to answer a question
13 that's not relevant. Unless you can --

14 MR. LIPPMAN: If you're going to instruct him
15 not to answer --

16 MS. SPETH: You know --

17 MR. LIPPMAN: -- instruct him not to answer.

18 MS. SPETH: Steve, let me -- let me say
19 something.

20 THE WITNESS: Why don't you get a decision on
21 that?

22 MS. SPETH: Hang on. Hang on.

23 Steven, if you can tell me what the relevance
24 of that is as to any claim of defense in this case, I
25 might reconsider.

1 MR. LIPPMAN: It goes to his bias. I just
2 want to know what his personal interest is in this. If
3 he's putting in \$10 a year, maybe not. If he's putting
4 in \$10 million a year for this venture, it may go to his
5 bias. I don't know. I just want to know the answer.

6 MS. SPETH: All right. I don't still don't
7 think it's relevant.

8 **Q. BY MR. LIPPMAN: Do you put any money of your**
9 **own personal money in to keep Xcentric Ventures running?**

10 MS. SPETH: Once again, you are not re- -- you
11 are not required to answer irrelevant questions about
12 your own personal finances.

13 **Q. BY MR. LIPPMAN: Well, I disagree with that.**
14 **You are required to answer --**

15 MS. SPETH: You can get a ruling from the
16 judge.

17 MR. LIPPMAN: -- any question unless it's
18 privileged. You can certainly raise a relevance
19 objection, but that's not the basis to instruct somebody
20 not to answer a question. And it's not a basis not to
21 answer a question.

22 MS. SPETH: Of course, it is. It's a basis
23 that you have no right to answer (sic) the question.
24 It's called an objection.

25 MR. LIPPMAN: Okay.

1 THE WITNESS: I guess you guys went to
2 different law schools.

3 Q. BY MR. LIPPMAN: Yeah.

4 MS. SPETH: Apparently we read different rule
5 books because the rule book I read says you don't have
6 to answer it if it's not relevant.

7 MR. LIPPMAN: Well, when it says subject to
8 objections, that's what it means by subject to
9 objections.

10 MS. SPETH: If you can show me that --

11 THE WITNESS: Calm down. Let's get to --
12 let's keep questioning.

13 Q. BY MR. LIPPMAN: The answer is?

14 A. I'm going to hold off on that question.

15 Q. You're going to refuse to answer that
16 question?

17 A. At this time, yes.

18 Q. Okay. How much money in 2007 have you
19 contributed to keep Xcentric Ventures running?

20 MS. SPETH: You're going to play this game,
21 huh?

22 MR. LIPPMAN: Well, I got to ask the question.

23 MS. SPETH: Objection, relevance.

24 MR. LIPPMAN: If you're going to instruct him
25 not to answer, just instruct him not to answer.

1 MS. SPETH: I don't think I can instruct him
2 not to answer. I'm telling you your question isn't
3 relevant. And I'm also telling you that at some point a
4 court can rule on this. But until a court rules on it,
5 I don't believe a witness has to answer personal
6 questions about their own personal finances that are not
7 relevant to the case.

8 By the way, why don't you ask him the last
9 time he went to the doctor and what his, you know, urine
10 test said, because you think you can ask him anything.

11 MR. LIPPMAN: I could care less about that.

12 MS. SPETH: Right. And you shouldn't care
13 less about personal finances.

14 MR. LIPPMAN: Let's move on. If he's not
15 going to answer, just don't answer.

16 THE WITNESS: You can't take a urine test in
17 place of that?

18 **Q. BY MR. LIPPMAN: Sir, I'm just asking you the**
19 **question. How much did you contribute to keep Xcentric**
20 **Ventures running in 2007?**

21 MS. SPETH: And I'm going to object.

22 THE WITNESS: I don't see what --

23 **Q. BY MR. LIPPMAN: And if you're not going to**
24 **answer, just tell me you're not going to answer.**

25 A. I don't see what it's relevant to, like,

1 truthfulness of the reports or who posted the reports.

2 Q. Sir, if you're not going to answer, just tell
3 me you're not going to answer.

4 A. Okay.

5 Q. I just want to move it along.

6 A. Yeah, just not -- no.

7 Q. Okay. What about in 2006, how much money did
8 you contribute to Xcentric?

9 A. Why would that change?

10 MS. SPETH: Objection, relevance.

11 Q. BY MR. LIPPMAN: Just tell me you're not going
12 to answer it. I just have to put it on the record.

13 A. I'm not going to answer that right now.

14 Q. What about 2005, would you tell me how much --

15 A. I don't want to answer anything regarding my
16 personal finances.

17 Q. One second.

18 I'm just asking you in 2005 how much money you
19 personally contributed to keep Xcentric Ventures
20 running.

21 MS. SPETH: Objection, relevance.

22 Q. BY MR. LIPPMAN: Just tell me you're not going
23 to answer. I just have to have it on the record.

24 A. Nothing. I'm not going to answer.

25 Q. Okay. And what about 2004?

1 MS. SPETH: Objection, relevance.

2 THE WITNESS: I'm not going to answer that.

3 Q. BY MR. LIPPMAN: Okay. Do you know a
4 gentleman by the name of Dickson Earl Woodard?

5 MS. SPETH: It's too late to talk about
6 Dickson.

7 Q. BY MR. LIPPMAN: I'm glad I made you laugh.

8 A. If you only knew. I know him -- I know of
9 him.

10 Q. What's the -- what is or was the relationship
11 between yourself or Rip-Off Report with Mr. Woodard?

12 A. Mr. Woodard tried to act like somebody. He
13 wanted to be my friend, would call at 1:00, 2:00 o'clock
14 in the morning,

15 Q. That's not one of my friends.

16 A. Okay. No, no. He tried to be -- he was just
17 trying to be friendly. You'd be surprised when I get
18 calls. And I just put it on speaker phone and let him
19 speak his piece.

20 And then about four weeks later, three weeks
21 later, the same voice calls me. I knew I recognized the
22 voice. And I may -- I got disconnected and went back
23 and got my tape recorder. I may not -- maybe I'm
24 explaining too much more, but I ended up -- because I
25 knew I was getting threatened.

1 And the guy basically threatened me with
2 bodily harm. And, you know, he threatened me for a long
3 time, for about three- or four-week period until I
4 figured out who he was. Because he called from an
5 unblocked phone number by mistake. He was obviously
6 high on some sort of drug and -- when he called, and so
7 he did probably didn't dial correctly to block his
8 number.

9 So -- but then he apologized He totally --
10 when I realized who he was and hung up on him, I told
11 him -- I gave him 20 minutes to call me back and tell me
12 everything, because I gave him where he had a tattoo,
13 and everything like that. And he kind of freaked out, I
14 guess. I got that all from his phone number.

15 **Q. Why was he -- he was threatening you --**

16 A. He called me --

17 **Q. -- bodily harm?**

18 A. -- threatening me allegedly for another
19 company.

20 **Q. Okay. But he was -- he was threatening you, I**
21 **would harm you if what, if you didn't do what?**

22 A. Oh, if I didn't remove reports.

23 **Q. Okay. So, in other words, he was threatening**
24 **you with bodily harm if you did not remove things from**
25 **the Rip-Off Report?**

1 A. Yeah. He knew where I lived, knew where I
2 was, and knew where I banked, and knew this and that
3 about me.

4 Q. Whose reports was he threatening you to --
5 with bodily harm if you did not remove?

6 A. I really didn't know at first, and I wasn't
7 sure. I mean, he mentioned -- I forget which company.
8 There was a couple of different company names, because
9 he floats around to different businesses and he seems
10 like somebody who's just --

11 Q. But I assume at the time he was threatening
12 you, he'd tell you whose reports he wanted removed?

13 A. I forget which -- I forget at the moment which
14 one that it was.

15 Q. You just don't recall right now?

16 A. I just don't recall now.

17 Q. Okay.

18 A. And then -- but I recall just a recent --
19 there was a recent thing. I don't even remember that
20 company --

21 Q. Okay.

22 A. -- actually.

23 Q. Was there ever litigation between yourself or
24 Xcentric or anybody else who operates or operated
25 Rip-Off Report and Mr. Dickson (sic)?

1 A. Say that question again.

2 Q. I'm sorry.

3 Was there ever any litigation between yourself
4 or Xcentric or anybody else who operated a Rip-Off
5 Report website and Mr. Woodard?

6 A. Somebody else, yeah, but not me.

7 Q. In other words, he sued somebody else, not
8 you? He was involved --

9 A. He sued somebody else.

10 (Court reporter clarification.)

11 Q. BY MR. LIPPMAN: Somebody else sued you, not
12 him?

13 MS. SPETH: He said I don't think he sued
14 someone else.

15 Q. BY MR. LIPPMAN: I'm trying to understand your
16 answer. Somebody else sued?

17 A. Well, what's your question? What do you want
18 to know?

19 Q. Was there ever any litigation between
20 yourself, Xcentric, or anybody else who operated the
21 Rip-Off Report website on one side and Mr. Woodard on
22 the other side?

23 A. There was never any litigation between myself
24 and Woodard, but there was litigation, and I can't
25 remember -- uh, uh, uh, uh, umm -- I could probably ask

1 my counsel. She'd remember who it is.

2 You know who I'm talking about. There's some
3 company in Texas. I forget the name of them.

4 **Q. G.W. Equity?**

5 A. Yeah, there go. Thank you. G.W. Equity. And
6 I think he was blackmailing them for money, and stuff
7 like that. I don't know. He's -- the guy is --

8 **Q. The lawsuit was between G.W. Equity and**
9 **Woodard?**

10 A. Yeah. Oh, yeah, right. I don't think -- did
11 they sue me?

12 MS. SPETH: I can't answer the questions. You
13 have to answer.

14 **Q. BY MR. LIPPMAN: You don't -- you don't know?**

15 MS. SPETH: Say you don't know if you don't
16 know.

17 THE WITNESS: I don't remember. I don't know.
18 I don't know if he sued me or how they the got me
19 involved or -- there was something they wanted from -- I
20 think they wanted us to remove reports, or something.
21 And he made some claims and stuff like that to guys.

22 **Q. BY MR. LIPPMAN: Okay. Now, the monitors, the**
23 **content monitors that we talked about earlier --**

24 A. Um-hum.

25 **Q. -- the process that they go through, those --**

1 the people -- you guys -- you know, you filed -- "you"
2 meaning Xcentric and yourself have filed a motion for
3 summary judgment in this case. Are you aware of that
4 fact?

5 A. Yes, yeah.

6 Q. Okay. You -- you signed an affidavit in
7 support of that? And a number of other people did, as
8 well --

9 A. Okay, yeah.

10 Q. -- who are content monitors, right?

11 A. Correct.

12 Q. Those are the content monitors that we were
13 talking about earlier, the monitors who review the
14 reports before they get posted, right? The reports that
15 get submitted --

16 A. Right, um-hum.

17 Q. -- before they actually go on the website,
18 right?

19 A. Right, um-hum.

20 Q. Okay. Those are the actual people who do it,
21 right?

22 A. Yes.

23 Q. Okay. Do you have any recordings, either tape
24 recordings or video recordings, of any conversations or
25 communications you've had with anybody at Whitney

1 **Information Network or Whitney Education Group or any of**
2 **the other Whitney entities?**

3 A. At one point I moved, and I -- umm, I want to
4 say I -- I mean, I -- I -- I know that I had some tape,
5 and I don't know if it's with this case or another case.
6 I can't remember. I don't know.

7 **Q. You had a tape of a conversation?**

8 A. Yeah. I can't remember if it had to do with
9 -- I don't -- was there any tape for Whitney? I don't
10 know.

11 MS. SPETH: Just say you don't know.

12 THE WITNESS: I mean, there's so many cases
13 I'm doing, so I can't remember.

14 **Q. BY MR. LIPPMAN: You don't remember?**

15 A. No, I don't remember. No, I can't remember.

16 **Q. If you had a tape that pertained to the**
17 **Whitney folks would you have turned it over to your**
18 **counsel?**

19 A. Oh, yeah. That's what I'm saying, did I turn
20 anything over when you asked for it.

21 **Q. If you had it, you would have given it to your**
22 **counsel?**

23 A. Absolutely.

24 **Q. Okay.**

25 MR. LIPPMAN: And I presume you would have

1 given that to us.

2 MS. SPETH: Absolutely.

3 MR. BIRKEN: Actually, you responded in one of
4 your discovery things that you did have a tape, but I
5 haven't seen a transcript of it.

6 MS. SPETH: I don't remember.

7 MR. BIRKEN: Okay.

8 MR. LIPPMAN: Well, let's follow up on it.

9 THE WITNESS: Did you hear what I was just
10 saying a second ago?

11 MR. BIRKEN: Yeah.

12 THE WITNESS: I started to say that I remember
13 there was -- and I didn't know if it was Whitney case or
14 some other case where I was looking, because, in
15 actuality, I thought -- I thought that I had taped phone
16 conversations -- I would have no reason to not turn it
17 over to you -- between myself and Paisola.

18 MS. SPETH: That was this case.

19 MR. LIPPMAN: Huh?

20 MS. SPETH: That was this case.

21 THE WITNESS: Okay. I -- and if I'm not
22 mistaken, and I could be speaking wrong, but I'm -- I'm
23 80 percent sure --

24 **Q. BY MR. LIPPMAN: All right.**

25 A. -- you know, that I had, when I -- and I

1 couldn't find -- you know, because I moved and, you
2 know. And I still have it. And it's a thing. And I
3 know in my head that I'm looking for it because I have a
4 reminder.

5 **Q. You believe you have a tape --**

6 A. I believe --

7 **Q. -- of a conversation --**

8 A. -- I had a tape.

9 **Q. -- with Robert Paisola --**

10 A. Right.

11 **Q. -- and you just have not been able to find it?**

12 A. Right. And it -- and it consisted of several
13 conversations --

14 **Q. Okay.**

15 A. -- I think.

16 **Q. Okay.**

17 A. And I'm pretty sure. But I know that I had
18 one. I'm almost positive I had one.

19 **Q. Okay.**

20 A. And it was -- because he also, I would group
21 in the same -- well, I shouldn't say anything. Just...

22 **Q. Okay. And I presume from your comment that**
23 **you haven't located it yet, then, that you have not**
24 **given it to counsel?**

25 A. Yeah, I know, but I'd love to hand it to you.

1 Q. No, no.

2 A. I don't -- there's nothing to argue.

3 Q. You've not given it to your counsel?

4 A. Right, I haven't given it to my counsel.

5 Q. Okay. Has anybody at Whitney Information
6 Network or Whitney Education Group, or any of the other
7 Whitney entities ever threatened you?

8 A. It doesn't come to mind. And -- and I would
9 have turned it over to you when I was searching the
10 Whitney stuff. If I didn't turn it over to you, then
11 there was none, no.

12 Q. And nothing that comes to your mind?

13 A. No.

14 Q. In other words, I understand you have some
15 fear of threats of physical harm to yourself?

16 A. Right.

17 Q. But it's not coming from Whitney people?

18 A. No, I don't know. I can't definitively say,
19 you know --

20 Q. Okay.

21 A. -- absolutely not. And you -- you know, who
22 -- you know, you don't know your clients.

23 Q. I understand you can't say no because you
24 don't know who's threatening you?

25 A. Right, exactly.

1 Q. But you can't say, yes, that it's Whitney?

2 A. Right, I cannot say yes because I have no
3 evidence of such.

4 Q. Okay. And how -- how far back have these
5 threats been going? Are we talking about from 10 years
6 ago?

7 A. No, about -- I want to say about 2000.

8 Q. About 2000?

9 A. Yeah.

10 Q. Okay. Before anything ever arose between
11 Xcentric and Whitney?

12 A. Yeah, but there's -- that -- you know, right.
13 It's not one person, it's...

14 Q. Okay. And I just show you again in Exhibit 8,
15 it appears as if the first posting on the Rip-Off Report
16 regarding Russ Whitney or any of the Whitney entities
17 was on April 21st, 2002, right?

18 A. I don't --

19 Q. I mean, that's what it shows?

20 A. If that's what it shows, that's what it shows.

21 Q. And that's about two years after you first
22 started receiving these threats?

23 A. Umm, let me -- yes, but let me -- I do want to
24 explain one thing to you. The order in which these
25 reports are --

1 Q. Um-hum.

2 A. -- because of the way the search works, may
3 not -- these reports -- did you look at these? Are they
4 like in order? Did you look at the dates?

5 Q. You know --

6 A. Is there an earlier date? Because all I can
7 tell you is the way the search is working --

8 Q. Um-hum.

9 A. -- right now, it may not be showing the oldest
10 report first. So, just to keep note of that. You know,
11 just look to see if there's anything that's older.
12 Because there have been issues with the search feature
13 on and off, so -- okay.

14 Q. This appears that it's in reverse
15 chronological order.

16 A. I knew I didn't need to bring that to your
17 attention, but I'm just saying just look at that because
18 there could be something that's earlier. But if that's
19 what it says, that's what it is.

20 Q. And what did that cause you to believe since
21 the first report about Whitney was two years after you
22 started getting these threats of bodily harm? Wouldn't
23 that also --

24 A. No, no, no. I started getting -- oh, you mean
25 two years before --

1 Q. Two years before, right.

2 A. Yeah.

3 Q. The Whitney folks wouldn't be threatening you
4 in 2000. They didn't even have a thing posted on them
5 until 2002.

6 A. Right, but I know who the threats were coming
7 from in 2000.

8 Q. Oh, you don't know who the present threats are
9 coming from?

10 A. No.

11 Q. Okay.

12 A. Not all; some, yes.

13 Q. Okay.

14 A. So, did you take that as a "yes" or "no"?

15 Q. I'm sorry?

16 A. Did you take that as a "yes" or "no"?

17 MS. SPETH: Ed, it's getting late. Stop.

18 Q. BY MR. LIPPMAN: You know who some of the
19 threats are being made by?

20 A. Yes.

21 Q. And there are others you don't know who they
22 are made by?

23 A. Right, exactly.

24 Q. Have you ever used a different name?

25 MS. SPETH: Different than what?

1 Q. BY MR. LIPPMAN: Different than Ed Magedson.

2 A. Ed Magedson with an "I," which is the original
3 way or our name was spelled before our family,
4 relatives, came over to the United States.

5 Q. Okay.

6 A. So, like --

7 Q. You may have spelled Magedson differently?

8 A. Right. It was just spelled differently. And
9 I've used -- I've used that sometimes.

10 Q. Okay. But you've always gone by Ed Magedson?

11 A. Yeah, 99 percent of the time, absolutely.

12 Q. What do you go by the other one percent of the
13 time?

14 A. That M-a-g-i-d-s-o-n.

15 Q. Oh, oh, I'm sorry. You spell it the opposite
16 way.

17 A. Not opposite, just with an "I" instead of an
18 "E."

19 Q. Okay. But either with an "I" or "E," you
20 always, a hundred percent of the time, you go by Ed,
21 Ed Magedson?

22 A. Absolutely.

23 Q. And you have throughout your entire life?

24 A. Absolutely.

25 Q. Okay. You've never, like changed your name or

1 used a nickname, or something like that?

2 A. No.

3 Q. You never were Buffy Magedson?

4 A. I don't know. I was never buff, so I don't
5 recall. Buffy Magedson.

6 Q. Did you get paid for the work you do for
7 Xcentric?

8 MS. SPETH: I'm going to object. First of
9 all, let's define the question better. I'm going to
10 first object to form and maybe ask you who the "you" is.

11 Q. BY MR. LIPPMAN: "You," Ed Magedson. Do you
12 get paid for the work you do at Xcentric?

13 MS. SPETH: I -- I -- I think I've got a
14 relevance objection, but let me think about this. Let
15 me just think about this. No, I'm not going to object.

16 THE WITNESS: No, I haven't.

17 Q. BY MR. LIPPMAN: At any point in time, you've
18 never gotten paid for the work?

19 A. I have not gotten paid a dime.

20 Q. You work for free?

21 A. I work for food. No, I haven't been able to
22 get paid. I haven't been able to pay any -- you know,
23 to be able to pay myself anything, no.

24 Q. You work for free?

25 A. I work for free.

1 Q. Have you ever been paid by Xcentric for work
2 did you for it?

3 A. No.

4 Q. From day one?

5 A. No. Can I file a report about them? Would
6 you handle my case?

7 Q. Not unless I know where the rest of the
8 money's coming from after the CAP program.

9 A. A la CAP.

10 Q. Do you receive any benefits as a result of the
11 work you perform for Xcentric? Like do they provide
12 health insurance for you or a car?

13 A. Perks?

14 Q. Perks.

15 A. No.

16 Q. No expense account?

17 A. (No audible response.)

18 Q. Run any personal expenses through Xcentric?

19 A. Umm, no. No, it's all -- no, I -- no, huh-uh.

20 MR. LIPPMAN: Unless you want to ask me some
21 questions, we're all done.

22 THE WITNESS: You sure you don't want to --

23 MS. SPETH: Actually, I have some questions
24 for you.

25 MR. LIPPMAN: Really?

1 MS. SPETH: I do.

2 MR. LIPPMAN: Wow.

3 MS. SPETH: I don't mean to shock you too
4 much. Is that against the rules in Florida?

5 MR. LIPPMAN: No. It's most -- it's totally
6 in jive with the rules.

7 THE WITNESS: Don't you have to act mean and
8 get real nasty in order to get paid for today?

9 MR. LIPPMAN: Who, me? No, I just have to do
10 a good job. You don't need to be mean and nasty to do a
11 good job. That's a bad lawyer.

12 MS. SPETH: Can you put the exhibits back in
13 front of him, in front of the witness, please?

14 MR. LIPPMAN: Yes.

15 MS. SPETH: Thank you.

16 MR. LIPPMAN: And there are -- is that No. 20?

17 MS. SPETH: Put it right on top of that. And
18 we'll go back in order. Oh, they're in reverse order.

19 MR. LIPPMAN: Reverse order.

20 THE WITNESS: That's okay. I'll find it.

21

22 EXAMINATION

23 BY MS. SPETH:

24 Q. Go to 6. And just flip them over so they're
25 not all out of order.

1 MR. LIPPMAN: You wanted me to hand them to
2 him? Will that make it easier for you.

3 MS. SPETH: I think he'll be okay.

4 THE WITNESS: Okay, 6.

5 **Q. BY MS. SPETH: And go to Page 6 of 6.**

6 A. Hang on one second.

7 Do you have a second copy there? I don't have
8 to give you a copy, right?

9 MR. LIPPMAN: No. Wait one second. I just
10 want to catch up with you.

11 **Q. BY MS. SPETH: You know what, we don't even**
12 **need the look at 6 to ask the questions that I'm going**
13 **to ask. It came up in Exhibit 6, but it doesn't matter.**

14 I will just tell you that Exhibit 6 refers to
15 categories.

16 And Mr. Tippman --

17 MR. LIPPMAN: "Lippman."

18 MS. SPETH: Lippman, I'm so sorry.

19 **Q. BY MS. SPETH: -- asked you some questions**
20 **about categories. How many different categories does a**
21 **consumer have to choose from when they're filing their**
22 **Rip-Off Report and they're going to put it under a list**
23 **of categories? How big is that list?**

24 A. It's got to be more than five -- 800, maybe a
25 thousand. I'm not sure

1 Q. So, they have somewhere between 500 and a
2 thousand choices?

3 A. Right.

4 Q. And of the choices, the categories that the
5 consumer has, do you know how many of them are --
6 withdrawn.

7 Let look at Exhibit 8.

8 MR. LIPPMAN: 8?

9 MS. SPETH: 8.

10 Q. BY MS. SPETH: And Mr. Lippman was asking you
11 about some of the categories that was -- that were --
12 that some of the reports about what Russ Whitney are
13 listed under.

14 Would you agree with me from looking at
15 Exhibit 8 that some of those categories are things like
16 "Seminar Programs"?

17 A. Right.

18 Q. And one of the categories is "Multi Level
19 Marketing"?

20 A. Correct.

21 Q. One of them is "Financial Services"?

22 A. Right.

23 Q. One of them is "Business Consulting"?

24 A. Right.

25 Q. "Seminar Programs"?

1 A. Correct, I see.

2 Q. If you look at Page 1 of 3 -- I'm sorry, Page
3 14 at the bottom.

4 A. 14?

5 Q. Yep, 14 at the bottom, the Bates number.

6 MR. LIPPMAN: Look on the right-hand corner at
7 the Bates number.

8 THE WITNESS: Okay.

9 Q. BY MS. SPETH: "Home Based Businesses"?

10 A. Right.

11 Q. So, in addition to the ones that Mr. Lippman
12 pointed out, there's lots of times the consumer chose to
13 put Russ Whitney under a category was a neutral or
14 non-derogatory account -- category, correct?

15 MR. LIPPMAN: Objection to the form.

16 THE WITNESS: It's -- I'm --

17 Q. BY MS. SPETH: I'm going to ask that
18 differently.

19 A. Can you repeat that again?

20 Q. Yes, absolutely.

21 Did the witnesses -- I'm sorry, did the
22 authors always choose derogatory categories when they
23 were filing reports about Russ Whitney, referring to
24 Exhibit 8?

25 A. No. Looks like mostly not derogatory comments

1 -- categories.

2 Q. Take a look at Exhibit 7. That is the one
3 that talks about the steps for filing a Rip-Off Report.
4 Look at Page 6 of that.

5 A. Page 6?

6 Q. Yes.

7 A. Okay.

8 Q. And what does it say -- what is it that the
9 consumer who's filing the report has to say or has to
10 check a box that says? Can you read that to us?

11 A. Oh, "Step 6. By posting this report, slash,
12 rebuttal, I attest that the report is valid and I
13 understand and agree that my submission and use of this
14 website is subject to the state's" -- "the site's terms
15 of service above."

16 Q. Okay. And do those terms of service include
17 anything about the truthfulness of the report?

18 MR. LIPPMAN: Objection to the form.

19 THE WITNESS: Yeah, it -- we urge the consumer
20 to make sure that they're telling the truth.

21 Q. BY MS. SPETH: Okay. I'm done with that
22 exhibit.

23 The CAP program. We talked earlier about the
24 CAP program?

25 A. Um-hum.

1 Q. Is the CAP program -- how are the terms of the
2 CAP program decided? Let me ask it differently.

3 Is there some sort of contract between
4 yourself and the members of the CAP program?

5 A. Absolutely.

6 Q. Does that -- is that --

7 A. Well, not -- not always. Not -- they always
8 hasn't been. Most have actually been without a
9 contract.

10 Q. Okay. Some have contracts?

11 A. Right, in recent -- yes, in -- only in recent
12 year, yes.

13 Q. When you talk about the company's commitment
14 to satisfying the customer and giving refunds, is there
15 any reasonableness test on that?

16 MR. LIPPMAN: Objection to form.

17 Q. BY MS. SPETH: Does that make sense? Does my
18 question make sense?

19 A. He asked easier questions.

20 Q. Sorry. He's better at it than I am.

21 MR. LIPPMAN: Pay me instead of her.

22 Q. BY MS. SPETH: When --

23 A. I'd much rather move to Florida.

24 Q. When the companies who would join the CAP
25 program agree to give refunds and satisfy the customers,

1 is that subject to or limited by it being a reasonable
2 refund or reasonable satisfaction to the customer?

3 MR. LIPPMAN: Objection to the form.

4 THE WITNESS: Yes, it needs to be a reasonable
5 resolution to -- to the program -- I mean, to -- to --
6 between the part- -- between the con- -- the customer
7 and the business.

8 Q. BY MS. SPETH: Okay. Take a look at Exhibit
9 10. And --

10 A. Hold on. Okay.

11 Q. In the third paragraph it says "No trivial
12 comments will accepted." And Mr. Lippman was asking you
13 about that earlier, remember --

14 A. Okay.

15 Q. -- for rebuttals?

16 A. Right.

17 Q. Is it -- if there's a -- if there's a trivial
18 comment inside of a rebuttal, does -- what would you do?

19 A. You know, it's like our laws we have in the
20 United States. Some things are enforced and some things
21 aren't. I don't -- you know, we leave it up to -- the
22 monitor really has no agenda.

23 There's -- it -- it depends on what -- maybe
24 they might look at the -- take the time to look at the
25 report and see if somebody made it -- like, a trivial

1 comment before. So, of course, you know -- and maybe we
2 shouldn't have ever let that trivial comment go, so we
3 go ahead and the monitor will let the trivial comment --
4 because they go on back and forth. We can't let one do
5 it and then not another respond.

6 And hopefully I'm answering your question if I
7 think I understand it right.

8 **Q. You're saying you enforce it when you feel**
9 **like it needs to be enforced?**

10 A. It's up to the individual monny, the monitor
11 that's doing this.

12 **Q. Okay. Oh, Exhibit 19? Did you get Exhibit**
13 **19? Could you look at 19, please?**

14 A. Okay.

15 **Q. On Page 4 of Exhibit 19, I can't remember if**
16 **Mr. Lippman read it himself out loud or if he had you**
17 **read it, but a certain portion of Page 4 was read, the**
18 **part about, no, we do not give access to that info, we**
19 **do not give out your info. Do you remember --**

20 A. Okay.

21 **Q. -- somebody read that out loud.**

22 **And then the question that Mr. Lippman asked**
23 **you was if that was your response, and you said yes.**
24 **But let me ask you: Was that your complete response,**
25 **the part that was read out loud?**

1 A. No.

2 Q. In fact, your response goes over to the next
3 page for another few paragraphs, doesn't it?

4 A. Yes.

5 Q. Okay. And I only have one final question.

6 When Mr. Lippman asked you whether anyone from
7 Whitney ever threatened you, did you interpret that
8 question to mean physical threats only?

9 MR. LIPPMAN: Objection to the form.

10 THE WITNESS: Today I think of things as
11 physical threats, because I get threats all the time but
12 you never know when -- who's meaning what --

13 Q. BY MS. SPETH: Okay.

14 A. -- today, so...

15 Q. I'm just saying, when you --

16 A. I was probably -- I was probably thinking
17 physical threats.

18 Q. When he asked the question earlier?

19 A. Yes, I was probably thinking physical threats.
20 That's what comes to mind.

21 MS. SPETH: I have no further questions.

22

23 FURTHER EXAMINATION

24 BY MR. LIPPMAN:

25 Q. Just two follow-ups.

1 A. Two foul-ups or follow-ups?

2 Q. Follow-ups.

3 A. Okay.

4 Q. Did the folks at Whitney ever threaten you
5 about anything other than potentially bringing a lawsuit
6 against you?

7 A. Not that I have any evidence of, no, I have
8 none.

9 Q. And earlier your counsel pointed out to you
10 that in filing a Rip-Off Report the person states that
11 they're going to be truthful in what's contained in the
12 report, right?

13 A. Okay.

14 Q. The person that submits the report, correct?

15 A. Correct.

16 Q. But you don't know whether they are, in fact,
17 truthful or not, right?

18 A. No, I would have no way of knowing.

19 Q. People lie, right?

20 A. I -- I tend to think that most people tell the
21 truth.

22 Q. Have you ever found that there are
23 circumstances where people filed Rip-Off Reports that
24 you subsequently discovered were not truthful?

25 A. I would have no way of knowing.

1 Q. You're telling me in all these years you never
2 saw a report that somebody said, "Hey, this is wrong and
3 here's why," and you looked at it and you said, "Hey,
4 you know what, this guy's right. This report's not
5 right"?

6 A. I -- the way I answer this question, and
7 probably you'll all get pissed off at me for answering
8 it this way, but look, our country puts people to death
9 after one, maybe two jury trials, and countless appeals
10 to only find out later that they weren't guilty after
11 all.

12 I'm going to find out and make a decision on
13 some document or something that somebody tells me over
14 the phone, they send me a check. They could have forged
15 the check. They could have made it up on a computer.
16 Who the heck's going to ever check?

17 The consumer needs to make their own educated
18 consumer -- decision when they log -- look on the
19 internet.

20 People lie, but I tend to think most people
21 don't lie. I like to think that most people are good,
22 honest, hard working people, and I think they outnumber
23 the liars.

24 So, just like people file frivolous lawsuits
25 every day, but probably there are more truthful

1 lawsuits, I would like to think, than there are
2 frivolous lawsuits that are out there.

3 You know, so -- you know, the Better Business
4 Doesn't work. Rip-Off Report, I think, is better. And
5 consumers are better off seeing how a company takes care
6 of its problems instead of hiding it from you and your
7 wife who are consumers, and buy cars and call up on the
8 phone, see an ad on TV.

9 You're just better off -- that's why the
10 internet is here today. Everything has changed.

11 (Court reporter clarification.)

12 MS. SPETH: That's why the internet is here
13 today. Everything has changed.

14 THE WITNESS: I can't remember what I said.
15 Don't ask me.

16 Q. BY MR. LIPPMAN: My question to you, though,
17 is a little different.

18 A. Go ahead. All right. I just --

19 Q. In all these years --

20 A. Yeah.

21 Q. -- have you ever found -- I've got to imagine
22 you have. Did you ever find a report that somebody
23 posted on the Rip-Off Report saying, "Hey, I was wrong
24 and somebody did this," and you subsequently find out --
25 I don't know, however, somebody shows you the opposite

1 -- or the company files a rebuttal and you look at it
2 and you say, "Hey, you know what, these people are
3 wrong. The company they complained about is right.
4 This is" -- "This was not a good complaint"? It's
5 happened, right?

6 A. Has it -- has it -- has it happened? Yeah,
7 sure, I've found things that in my opinion -- but, I
8 don't know.

9 Q. Have you found occasions where people lied in
10 their Rip-Off Report submittals?

11 A. I -- I -- but I wouldn't -- I wouldn't know if
12 it -- definitively if that is the case, if I'm using the
13 right word.

14 Q. Okay.

15 A. I mean, you know, I wouldn't ultimately know.
16 I -- I -- there are times, yeah. In answer to your
17 question, there have been things that -- there's over
18 260 something odd thousand reports, and growing by the
19 minute.

20 I have absolutely no clue which ones are which
21 and no way of knowing. Sure, when something -- we get
22 an e-mail or somebody may write -- you know, they -- or
23 something and something comes to my attention, you know.
24 But I can't make -- I can't make that decision.

25 How many times you defend a client that you

1 found out was lying and it was a bad guy? I guess that
2 has nothing to do with it.

3 Go ahead. What's your next question? I'm
4 getting bad here. I got to go to sleep. Go ahead.
5 What else do you want to ask me?

6 MR. LIPPMAN: I don't want to ask you anything
7 else.

8 VIDEOGRAPHER: This is the conclusion of the
9 deposition of Ed Magedson and Tape No. 3.

10 Off the record. The time is 6:10 p.m.

11 MS. SPETH: We want to read and sign.

12 MR. LIPPMAN: You want to read?

13 MS. SPETH: Yes.

14 (Whereupon, the proceedings were concluded at
15 6:10 p.m.)

16 _____
EDWARD MAGEDSON

17
18
19
20
21
22
23
24
25

1 STATE OF ARIZONA)
) ss.
 2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing deposition
 5 was taken before me, DEBORAH L. TUCKER, a Certified
 6 Reporter, Certificate No. 50464, for the State of
 7 Arizona; that the witness before testifying was duly
 8 sworn by me to testify to the whole truth; that the
 9 questions propounded to the witness and the answers of
 10 the witness thereto were taken down by me in shorthand
 11 and thereafter reduced to written form under my
 12 direction; that pursuant to request, notification was
 13 provided that the deposition is available for review and
 14 signature; that the foregoing pages are a true and
 15 correct transcript of all proceedings had upon the
 16 taking of said deposition, all done to the best of my
 17 skill and ability.

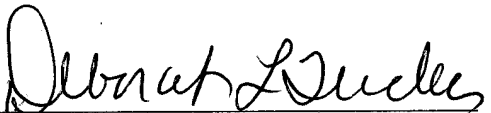
18 I FURTHER CERTIFY that I am in no way
 19 related to any of the parties hereto nor am I in any way
 20 interested in the outcome hereof.

21 DATED at Phoenix, Arizona, this 1st day of
 22 August, 2007.

23

24

25



 DEBORAH L. TUCKER
 Certified Reporter
 Certificate No. 50464

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