

Exhibit 2

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1 A. I can't remember when this -- I can't even
2 remember.

3 Q. But Xcentric did incur traveling costs to
4 investigate Rip-Off businesses?

5 A. Yes, we did at one time.

6 Q. And what was the purpose of doing those
7 investigations?

8 A. To help assist the consumer.

9 Q. And can you name for me a single traveling
10 cost that Xcentric Ventures incurred?

11 A. I can't remember.

12 Q. Do you remember a single person or entity that
13 Xcentric Ventures investigated?

14 MS. SPETH: Now, I'm going to object on
15 relevance. If I'm understanding this correctly, this is
16 long before any statute of limitations that you'd be
17 dealing with in this lawsuit. This is completely
18 irrelevant.

19 MR. LIPPMAN: I don't know that yet.

20 Q. BY MR. LIPPMAN: But go ahead.

21 MS. SPETH: I'm telling you, he's tes- --

22 MR. LIPPMAN: Okay.

23 MS. SPETH: -- he already said it was that
24 long ago.

25 MR. LIPPMAN: Okay.

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1 MS. SPETH: Do you know when this document
2 comes from?

3 THE WITNESS: No.

4 MR. LIPPMAN: Go ahead --

5 MS. SPETH: I'm going to object on relevance
6 and I'm going to tell the witness he doesn't have to
7 answer it if he doesn't want to.

8 MR. LIPPMAN: Relevance is not a basis to tell
9 a witness not to answer a question.

10 MS. SPETH: It certainly is.

11 MR. LIPPMAN: No, it isn't.

12 MS. SPETH: It's not relevant, it's not
13 discoverable.

14 MR. LIPPMAN: No, it isn't.

15 MS. SPETH: That's what the rules --

16 MR. LIPPMAN: No, it isn't.

17 MS. SPETH: You don't think the rules say if
18 it's not relevant, it's not discoverable?

19 MR. BIRKEN: This is in two thousand -- this
20 is dated in 2002.

21 MR. LIPPMAN: Yeah, yeah, yeah. No, relevance
22 is not a basis to instruct a witness not to answer. The
23 only basis to instruct a witness not to answer is if
24 it's privileged or if you think it's harassing and you
25 want to seek a protection order, which you're free to

1 do. But relevance is not a basis to instruct a witness
2 not to answer.

3 MS. SPETH: Show me a rule that says that and
4 I won't do it anymore.

5 MR. LIPPMAN: Call the office and have them
6 fax over a case for her.

7 MS. SPETH: Here's the rules. The rule
8 says --

9 MR. LIPPMAN: We're not --

10 MS. SPETH: -- if it's not relevant, it's not
11 discoverable.

12 MR. LIPPMAN: We're not -- we're not in this
13 court.

14 MS. SPETH: I'm not talking about Arizona.

15 MR. LIPPMAN: You've got the wrong state.

16 MS. SPETH: You know what, I knew you were
17 going to say that. This is the Federal rules. It just
18 happens to say Arizona on the top.

19 It's not relevant, it's not discoverable.
20 That's Arizona.

21 MR. LIPPMAN: You show me in the Federal rules
22 where it says if something's --

23 MS. SPETH: Federal Rules, civil procedure --

24 MR. LIPPMAN: -- where you can instruct --

25 MS. SPETH: -- Rule 26.

1 MR. LIPPMAN: No. Show me where it says you
2 can instruct a witness not to answer a question.

3 MS. SPETH: Are you ready?

4 MR. LIPPMAN: Yeah, yeah.

5 MS. SPETH: Rule 26.6 of the Federal Rules of
6 Civil Procedure.

7 MR. LIPPMAN: Yeah.

8 MS. SPETH: It says parties may obtain
9 discovery regarding any matter not privileged that is
10 relevant to the claim of the defense.

11 MR. LIPPMAN: Okay.

12 MS. SPETH: Which means you don't get to
13 conduct discovery on something that's not relevant.

14 MR. LIPPMAN: You are -- you are -- I'm
15 telling you you have no basis to instruct the witness
16 not to answer a question on the basis of relevancy. If
17 you -- listen, you want to instruct him that, that's
18 fine. We'll go back to the court, you may pay our
19 expenses to come back out here again.

20 MS. SPETH: That's fine.

21 MR. LIPPMAN: That's your risk.

22 MS. SPETH: That's fine.

23 MR. LIPPMAN: You make that choice.

24 MS. SPETH: That's fine.

25 MR. BIRKEN: It doesn't matter because this is

1 a 2004 case. That's a 2002 printout.

2 MR. LIPPMAN: Okay.

3 MR. BIRKEN: And, therefore, it's within two
4 years, so it's within the statute of limitations anyway.

5 MR. LIPPMAN: There you go.

6 MS. SPETH: Are you saying the statute of
7 limitations on defamation in Florida is two years?

8 MR. BIRKEN: It's four years.

9 MS. SPETH: Is it really?

10 MR. BIRKEN: Yeah.

11 MS. SPETH: Really?

12 MR. BIRKEN: Yeah.

13 MS. SPETH: You don't have a separate one --

14 MR. BIRKEN: 95.11.

15 MS. SPETH: You don't have a separate one-year
16 statute on defamation?

17 MR. BIRKEN: 95.11.

18 MS. SPETH: I'm asking you if you --

19 MR. BIRKEN: No, there's not.

20 MS. SPETH: Well, let's take a short break. I
21 want to double-check that because my office told me you
22 had a one-year statute.

23 MR. BIRKEN: Section 95.11.

24 MR. LIPPMAN: Well, we'll do it -- we'll --
25 I'll put this question off to the side. We can do it

1 whenever. We've taken enough breaks already.

2 Q. BY MR. LIPPMAN: Would you turn to the second
3 page of Exhibit 5. You see where it says "Together"
4 right at the top? Big, bold, capital letters. No,
5 right on the top. One page back, sir. Second page.
6 Right on the top. "Together, we are a consumer
7 reporting news agency, by consumers, for consumers." Do
8 you see that?

9 A. I see it.

10 Q. The "we" is Rip-Off Report and the consuming
11 public, right?

12 A. I would think that, yeah.

13 Q. And in the paragraph below that it states, "we
14 research abuses and help individuals defend their
15 rights." Do you see that? Four lines down in the first
16 paragraph.

17 A. Is this from the top paragraph?

18 Q. Yeah, the first paragraph.

19 A. And how far down?

20 Q. Four lines down.

21 A. Okay.

22 Q. See that, "we research abuses and help
23 individuals defend their rights"?

24 A. Um-hum.

25 Q. The "we" is Rip-Off Report, right?