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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

WHITNEY INFORMATION NETWORK, INC.; a Colorado corporation; and RUSS WHITNEY, an individual,

Plaintiffs,

v.

XCENTRIC VENTURES, LLC, an Arizona limited liability company; BADBUSINESSBUREAU.ORG, an Arizona limited liability company; and ED MAGEDSON, an individual,

Defendants.

Case No: 2:04-CV-47-fim-29-SPC

DECLARATION OF EDWARD MAGEDSON

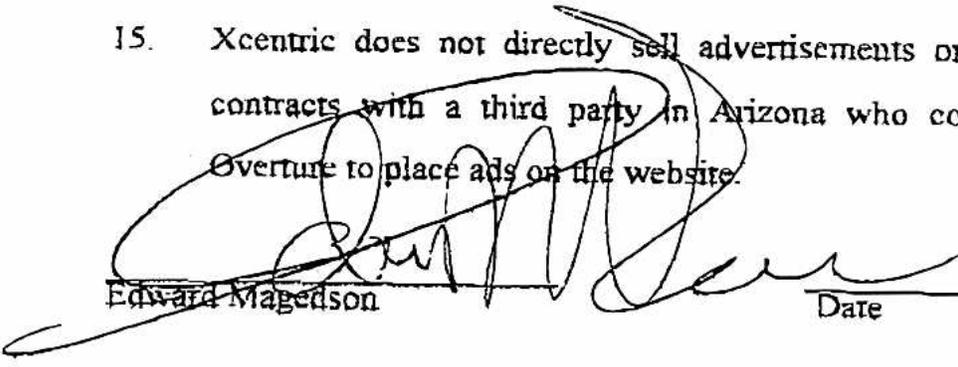
I, Edward Magedson, declare the following to be true under penalty of perjury:

1. — I am a member of Xcentric Ventures, LLC.
2. I do not personally review all of the postings that are made on Rip-off Report before they are posted.
3. Xcentric agents do not choose which stories to post. Agents review the reports before posting solely to redact profanity, obscenity and personal contact information (such as credit card numbers) that they may contain. Xcentric agents are instructed to never add content to a report.
4. Xcentric permits and encourages businesses to post rebuttals addressing the content of reports posted about them.
5. Neither I nor any agent of Xcentric authored the statements that are the subject of this lawsuit.
6. I was not aware of the reports that are the subject of the claims brought by Whitney Information Network, Inc. until after the reports were filed and after Whitney raised a concern about the accuracy of the reports.

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- 1 7. Neither I, nor any agent of Xcentric knew anything about Whitney
- 2 Information Network, Inc. or Russ Whitney, including where they resided or
- 3 did business, until this dispute arose.
- 4 8. Neither I, nor any agent of Xcentric used the trademarks "Whitney
- 5 Information" or "Russ Whitney" at any time in any context. They appeared
- 6 on the website only because the consumers who authored the reports chose
- 7 to use them.
- 8 9. Xcentric Ventures does not own or sell the Rip-off Revenge Guide.
- 9 10. That guide is owned and sold by Consumer Media Publishing, LLC, an
- 10 Arizona limited liability company.
- 11 11. Xcentric Ventures and Consumer Media have entered into agreements in
- 12 Arizona whereby Xcentric Ventures markets the guide on a website that is
- 13 linked to Rip-off Report. Consumer Media fills the orders and pays
- 14 Xcentric a fee.
- 15 12. Xcentric Ventures solicits donations without regard to the state of origin of
- 16 the donations.
- 17 13. The donations have been minimal, are often in cash, and records are not
- 18 kept as to the source of the donations.
- 19 14. I can only recall one donation from a Florida resident for \$15 back in April
- 20 or May.
- 21 15. Xcentric does not directly sell advertisements on its website. Xcentric
- 22 contracts with a third party in Arizona who contracts with Google or
- 23 Overture to place ads on the website.

  
 Edward Magedson Date 8-24-04