EXHIBIT B

Dockets.Justia.com

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Case No. 2:04-cv-47-FtM-33SPC (LAG)

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.
_____/

NOTICE OF TAKING VIDEO-DEPOSITION
(Plaintiffs' counsel will be appearing by phone)

TO:

Michael L. Gore, Esq.
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956

Jonathan P. Ibsen, Esq.
Jaburg & Wilk, P.C.
7047 E. Greenway Pkwy. Suite 140
Scottsdale, AZ 85254

Maria Crimi Speth, Esq.
Jaburg & Wilk, PC
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012

Brian J. Stack, Esq.
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Corporate representative(s) of Defendant BADBUSINESSBUREAU.ORG, designated pursuant to Rule 30(b)(6) Fed. R. Civ. P., with the most knowledge regarding the subject matter set forth in Exhibit "A" attached hereto.

DATE AND TIME: Tuesday, March 20, 2007 at 10:00 a.m. MST/12:00 p.m. EST

PLACE: ATWOOD REPORTING
3030 N. Central Avenue, Suite No. 404
Phoenix, Arizona 85012
602-230-8448

upon oral examination before Atwood Reporting, agent for Klein, Bury & Associates, Court Reporters, or before some other officer authorized by law to administer oaths, who is not of counsel to the parties or interested in the events of this cause. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure, by said officer until said testimony shall be completed.

Case No. 2:04-cv-47-FtM-33SPC (LAG)

ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Blvd., Ste. 1650
Fort Lauderdale, Florida 33301

By:_____
Scott W. Rothstein, Esq.
Florida Bar No.: 765880
Steven N. Lippman, Esq.
Florida Bar No.: 709638
Shawn L. Birken, Esq.
Florida Bar No.: 418765
Christopher C. Sharp, Esq.
Florida Bar No.: 996858

Dated this 5 day of March, 2007

Case No. 2:04-cv-47-FtM-33SPC (LAG)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2007, I true and correct copy of the foregoing is being served upon all counsel of record identified on the attached service list by U.S. Mail.

Respectfully submitted,

By: _____

Shawn L. Birken, Esq.
Florida Bar No.: 418765
sbirken@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs

Case No. 2:04-cv-47-FtM-33SPC (LAG)

SERVICE LIST
Case No. 2:04-cv-47-FtM-33SPC (LAG)
United States District Court, Middle District of Florida

Steven N. Lippman, Esq.
slippman@rra-law.com
Scott W. Rothstein, Esq.
srothstein@rra-law.com
Shawn L. Birken, Esq.
sbirken@rra-law.com
Christopher C. Sharp, Esq.
csharp@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs
Via CM/ECF

Michael L. Gore, Esq.
mgore@shutts-law.com
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956
Tel.: 407-835-6905
Fax: 407-849-7205
Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Brian J. Stack, Esq.
Bstack@stackfernandez.com
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131
Tel. 305.371.0001
Fax. 305.371.0002
Co- Counsel for Defendants
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Co- Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Case No. 2:04-cv-47-FtM-33SPC (LAG)

EXHIBIT "A"

1) Person with most knowledge regarding any person and/or entity which participated or played a role in the creation of, development, hosting, marketing and/or advertising of the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

2) Person with most knowledge regarding any person and/or entity involved in the publishing, drafting, editing, researching and monitoring of the contents on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

3) Person with most knowledge regarding any person and/or entity involved in the publishing, drafting, editing, researching and monitoring of the contents of any posting regarding Plaintiff on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

4) Person with most knowledge regarding the process that is used to determine which complaints from consumers are published on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

5) Person with most knowledge regarding any person and/or entity involved in deciding what consumer complaints are published and how the complaints are edited, revised, or rewritten on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

6) Person with most knowledge regarding all steps that any of the Defendants undertake to verify the accuracy and truthfulness of the complaints that are posted on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com. and any steps taken to verify any complaints filed against Plaintiff.

7) Person with most knowledge regarding the policy for deciding whether an entity, person and/or company that has consumer comments about it, may post a rebuttal on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

8) Person with most knowledge regarding any products and/or services offered for sale on the websites known as www.ripoffreport.com and/or www.ripoffrevenge.com.

9) Person with most knowledge regarding all person and/or entity that have retained the services of XCENTRIC VENTURES, LLC, ("XCENTRIC"), BADBUSINESSBUREAU.ORG, ("BBB.ORG") and/or ED MAGEDSON as referenced on the website(s) known as www.ripoffreport.com and www.ripoffrevenge.com.

10) Person with most knowledge regarding the "Corporate Advocacy Program" (as defined on www.ripoffreport.com).

11) Person with most knowledge regarding any assertion in your answer and affirmative defenses.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Case No. 2:04-cv-47-FtM-33SPC (LAG)

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.

_____/

NOTICE OF TAKING VIDEO-DEPOSITION DUCES TECUM
(Plaintiffs' counsel will be appearing by phone)
(See attached Schedule "A")

TO:

Michael L. Gore, Esq.
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956

Jonathan P. Ibsen, Esq.
Jaburg & Wilk, P.C.
7047 E. Greenway Pkwy. Suite 140
Scottsdale, AZ 85254

Maria Crimi Speth, Esq.
Jaburg & Wilk, PC
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012

Brian J. Stack, Esq.
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Ben Smith

DATE AND TIME: Tuesday, March 20, 2007 at 1:00 p.m. MST/3:00 p.m. EST

PLACE: ATWOOD REPORTING
3030 N. Central Avenue, Suite No. 404
Phoenix, Arizona 85012
602-230-8448

upon oral examination before Atwood Reporting, agent for Klein, Bury & Associates, Court Reporters, or before some other officer authorized by law to administer oaths, who is not of counsel to the parties or interested in the events of this cause. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure, by said officer until said testimony shall be completed.

ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Blvd., Ste. 1650
Fort Lauderdale, Florida 33301

By:_____

Scott W. Rothstein, Esq.
Florida Bar No.: 765880
Steven N. Lippman, Esq.
Florida Bar No.: 709638
Shawn L. Birken, Esq.
Florida Bar No.: 418765
Christopher C. Sharp, Esq.
Florida Bar No.: 996858

Dated this 5th day of March, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March ____, 2007, I true and correct copy of the foregoing is being served upon all counsel of record identified on the attached service list by U.S. Mail.

Respectfully submitted,

By: _____

Shawn L. Birken, Esq.
Florida Bar No.: 418765
sbirken@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs

SERVICE LIST

Case No. 2:04-cv-47-FtM-33SPC (LAG)

United States District Court, Middle District of Florida

Steven N. Lippman, Esq.
slippman@rra-law.com
Scott W. Rothstein, Esq.
srothstein@rra-law.com
Shawn L. Birken, Esq.
sbirken@rra-law.com
Christopher C. Sharp, Esq.
csharp@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs
Via CM/ECF

Michael L. Gore, Esq.
mgore@shutts-law.com
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956
Tel.: 407-835-6905
Fax: 407-849-7205
Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Brian J. Stack, Esq.
Bstack@stackfernandez.com
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131
Tel. 305.371.0001
Fax. 305.371.0002
Co- Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Jonathan P. Ibsen, Esq.
Jaburg & Wilk, P.C.
7047 E. Greenway Pkwy. Suite 140
Scottsdale, AZ 85254
Co- Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Maria Crimi Speth, Esq.
mcs@jaburgwilk.com
Jaburg & Wilk, PC
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012
Tele.: 602/248-1089
Fax: 602/248-0522
Co- Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

SCHEDULE "A" DOCUMENTS TO BE PRODUCED

All correspondence between TecServ, Inc. and Xcentric Ventures, LLC

All contracts, invoices or billing sheets between TecServ, Inc. and Xcentric

All correspondence between TecServ, Inc. and Ed Magedson

All correspondence between Ben Smith and Xcentric Ventures, LLC

All correspondence between Ben Smith and Ed Magedson

All documents that show the IP address of everyone who posts on the Rip-off Report website as referenced in your Declaration

All documents that show the IP address of everyone who has posted anything on the Rip-off Report website as referenced in your Declaration about Russ Whitney, Whitney Information Network, or any Whitney related company

All documents that show the IP address of any computer used by Xcentric or its agents including the computers used at your office, the mail server used by Xcentric, the remote access server used by Xcentric, the computers used by agents of Xcentric, and Ed Magedson's personal work computers, as referenced in your Declaration

All email addresses of any person that has posted anything about Russ Whitney, Whitney Information Network, or any Whitney related company on the Rip-off Report website from 2004 as referenced in your Declaration

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Case No. 2:04-cv-47-FtM-33SPC (LAG)

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.

_____/

NOTICE OF TAKING VIDEO-DEPOSITION
(Plaintiffs' counsel will be appearing by phone)

TO:

Michael L. Gore, Esq.
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956

Jonathan P. Ibsen, Esq.
Jaburg & Wilk, P.C.
7047 E. Greenway Pkwy. Suite 140
Scottsdale, AZ 85254

Maria Crimi Speth, Esq.
Jaburg & Wilk, PC
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012

Brian J. Stack, Esq.
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Corporate representative(s) of Defendant XCENTRIC VENTURES, LLC., designated pursuant to Rule 30(b)(6) Fed. R. Civ. P., with the most knowledge regarding the subject matter set forth in Exhibit "A" attached hereto.

DATE AND TIME: Wednesday, March 21, 2007 at 10:00 a.m.

PLACE: ATWOOD REPORTING
3030 N. Central Avenue, Suite No. 404
Phoenix, Arizona 85012
602-230-8448

upon oral examination before Atwood Reporting, agent for Klein, Bury & Associates, Court Reporters, or before some other officer authorized by law to administer oaths, who is not of counsel to the parties or interested in the events of this cause. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure, by said officer until said testimony shall be completed.

Case No. 2:04-cv-47-FtM-33SPC (LAG)

ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Blvd., Ste. 1650
Fort Lauderdale, Florida 33301

By:_____

Scott W. Rothstein, Esq.
Florida Bar No.: 765880
Steven N. Lippman, Esq.
Florida Bar No.: 709638
Shawn L. Birken, Esq.
Florida Bar No.: 418765
Christopher C. Sharp, Esq.
Florida Bar No.: 996858

Dated this 23 day of February, 2007

Case No. 2:04-cv-47-FtM-33SPC (LAG)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 23, 2007, I true and correct copy of the foregoing is being served upon all counsel of record identified on the attached service list by U.S. Mail.

Respectfully submitted,

By: _____

Shawn L. Birken, Esq.
Florida Bar No.: 418765
sbirken@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs

Case No. 2:04-cv-47-FtM-33SPC (LAG)

SERVICE LIST
Case No. 2:04-cv-47-FtM-33SPC (LAG)
United States District Court, Middle District of Florida

Steven N. Lippman, Esq.
slippman@rra-law.com
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csharp@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
Fort Lauderdale, Florida 33301
Phone: 954-522-3456
Fax: 954-527-8663
Counsel for Plaintiffs
Via CM/ECF

Michael L. Gore, Esq.
mgore@shutts-law.com
Shutts & Bowen LLP
P.O. Box 4956
Orlando, FL 32802-4956
Tel.: 407-835-6905
Fax: 407-849-7205
Counsel for Defendants
Badbusinessbureau.org, Xcentric Ventures, LLC., and Ed Magedson
Via Regular U.S. Mail

Brian J. Stack, Esq.
Bstack@stackfernandez.com
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
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Tel. 305.371.0001
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Co- Counsel for Defendants
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EXHIBIT "A"

1) Person with most knowledge regarding any person and/or entity which participated or played a role in the creation of, development, hosting, marketing and/or advertising of the websites known as www.ripoffreport.com, www.ripoffrevenge.com.

2) Person with most knowledge regarding any person and/or entity involved in the publishing, drafting, editing, researching and monitoring of the contents on the websites known as www.ripoffreport.com, www.ripoffrevenge.com.

3) Person with most knowledge regarding any person and/or entity involved in the publishing, drafting, editing, researching and monitoring of the contents of any posting regarding Plaintiff on the websites known as www.ripoffreport.com and www.ripoffrevenge.com.

4) Person with most knowledge regarding the process that is used to determine which complaints from consumers are published on the websites known as www.ripoffreport.com and www.ripoffrevenge.com.

5) Person with most knowledge regarding any person and/or entity involved in deciding what consumer complaints are published and how the complaints are edited, revised, or rewritten on the websites known as www.ripoffreport.com and www.ripoffrevenge.com.

6) Person with most knowledge regarding all steps that any of the Defendants undertake to verify the accuracy and truthfulness of the complaints that are posted on the websites known as www.ripoffreport.com and www.ripoffrevenge.com, and any steps taken to verify any complaints filed against Plaintiff.

7) Person with most knowledge regarding the policy for deciding whether an entity, person and/or company that has consumer comments about it, rebuttal is posted on the websites known as www.ripoffreport.com and www.ripoffrevenge.com.

8) Person with most knowledge regarding any products and/or services offered for sale on the website(s) known as www.ripoffreport.com and www.ripoffrevenge.com.

9) Person with most knowledge regarding all companies that have be retained the services of XCENTRIC VENTURES, LLC, ("XCENTRIC"), BADBUSINESSBUREAU.ORG, ("BBB.ORG") and/or ED MAGEDSON as referenced on the website(s) known as www.ripoffreport.com and www.ripoffrevenge.com.

10) Person with most knowledge regarding the "Corporate Advocacy Program" (as defined on your website www.ripoffreport.com.

11) Person with most knowledge regarding the denials in the Answer and the Affirmative Defenses.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Case No. 2:04-cv-47-FtM-33SPC (LAG)

WHITNEY INFORMATION
NETWORK, INC., a Colorado corporation,
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(Plaintiffs' counsel will be appearing by phone).

TO:

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Brian J. Stack, Esq.
Stack Fernandez Anderson & Harris, P.A.
1200 Brickell Avenue, Suite 950
Miami, Florida 33131

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME:	ED MAGEDSON
DATE AND TIME:	Wednesday, March 21, 2007 at 2:00 p.m.
PLACE:	ATWOOD REPORTING 3030 N. Central Avenue, Suite No. 404 Phoenix, Arizona 85012 602-230-8448

upon oral examination before Atwood Reporting, agent for Klein, Bury & Associates, Court Reporters, or before some other officer authorized by law to administer oaths, who is not of counsel to the parties or interested in the events of this cause. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure, by said officer until said testimony shall be completed.

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By:_____

Scott W. Rothstein, Esq.
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Steven N. Lippman, Esq.
Florida Bar No.: 709638
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Florida Bar No.: 418765
Christopher C. Sharp, Esq.
Florida Bar No.: 996858

Dated this 23 day of February, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 23, 2007, I true and correct copy of the foregoing is being served upon all counsel of record identified on the attached service list by U.S. Mail.

Respectfully submitted,

By: _____

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sbirken@rra-law.com
ROTHSTEIN ROSENFELDT ADLER
401 East Las Olas Boulevard, Suite 1650
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Counsel for Plaintiffs

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United States District Court, Middle District of Florida

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