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5634-2-51-675

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GEORGE S. MAY INTERNATIONAL COMPANY,	)	
	)	
Plaintiff,	)	
v.	)	No. 04 C 6018
	)	
XCENTRIC VENTURES, LLC, RIP-OFF	)	Judge Charles R. Norgle
REPORT.COM, BADBUSINESSBUREAU.COM,	)	
ED MAGEDSON, VARIOUS JOHN DOES, JANE	)	Magistrate Judge Moran
DOES and ABC COMPANIES,	)	
Defendants.	)	

**MOTION TO QUASH SUBPOENA**

Defendants, Xcentric Ventures, LLC, and Ed Magedson, by and through their attorneys, respectfully request that the Court quash the Subpoena Duces Tecum served by Plaintiff on Paypal, Inc. which requests confidential financial records of both parties and non-parties to this case. Defendants further request expedited ruling on this Motion because the subpoena is returnable by August 9, 2006 and Paypal, Inc. could respond to the subpoena prior to that due date. This Motion is supported by the following Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiff has subpoenaed PayPal, Inc. to produce any and all documents relating to Xcentric Ventures, LLC, Ed Magedson, and/or Consumer Media Publishing, LLC, Creative Business Investment Concepts, Inc., [www.ripoffreport.com](http://www.ripoffreport.com) and/or [www.badbusinessbureau.com](http://www.badbusinessbureau.com). While Xcentric and Magedson are parties to this litigation, neither Consumer Media Publishing, LLC ("Consumer Media") nor Creative Business Investment Concepts, Inc. ("Creative Business") are parties to this litigation. As such they should not be subject to this subpoena. Moreover the records requested are confidential financial records that are not relevant to the issues in this case.

PayPal is the equivalent of an on-line bank. The records requested include detailed financial records including the names and credit card numbers of consumers who purchase books, financial records of Xcentric, Magedson Consumer Media, and Creative Business and the personal financial information of Xcentric, Magedson and Consumer Media. Plaintiff does not purport to limit the requested information in any way. (See a copy of the subject subpoena attached as Exhibit "A").

Defendants object to PayPal complying with the subpoena because doing so would involve the disclosure of Defendants' confidential financial records and the financial records of non-parties. The financial records requested are not only sensitive materials but have no relevance here. Plaintiff's claims center on defamation and the financial documentation requested pursuant to this subpoena are in no way relevant to those claims. Moreover, the subpoena requests information regarding revenue received from the sale of books entitled "Rip-Off Revenge Do-It-Yourself Guide," also titled as "Do-It-Yourself Guide: How to get Rip-off Revenge and your money back too..." These publications are marketed and distributed by a non-party and have zero to do with the claims Plaintiff is pursuing in this case. Additionally, there is no protective order in place for Xcentric and/or Magedson and disclosure of this type of confidential information without such an order should not be permitted.

Furthermore, Magedson, Xcentric Ventures and Consumer Media Publishing are Arizona entities or residents. Arizona recognizes the right to privacy by express constitutional provision. *See Ariz. Const., Art. 2, Sec. 8.* Common law principles similarly recognize the right to privacy. *See Restatement (Second) of Torts, § 652D* (protecting all persons from unreasonable intrusions into their private affairs). The *Restatement* specifically indicates that financial records are part of one's private life and, as such, are entitled to privacy protections. *See id.*, cmt. a.

