

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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

**DEFENDANTS’ SEPARATE STATEMENT OF FACTS IN SUPPORT OF
THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants XCENTRIC VENTURES, LLC (“Xcentric”), and Edward Magedson (“Magedson”; collectively “Defendants”), pursuant to Fed. R. Civ. P. 56(b) and 56(c) and Local Rule 56.1, respectfully submit the following Separate Statement of Facts in support of their Motion for Summary Judgment.

1. Defendants operate a website known as “The Rip-Off Report” which is located at www.ripoffreport.com and www.badbusinessbureau.com (collectively, the “ROR Sites”). See Exhibit 1, Declaration of Edward Magedson (“Magedson Dec.”) at ¶ 2.

2. The ROR Sites allow consumers to post online messages chronicling their experiences and opinions about a wide variety of businesses. Magedson Dec. ¶¶ 3–7.

3. The ROR Sites contain (or did contain) certain reports which mention Plaintiff GEORGE S. MAY INTERNATIONAL COMPANY (“GSM”) in a derogatory manner. Magedson Dec. ¶ 9.

4. Defendants asked GSM to produce copies of any/all documents it had showing the “false and deceptively misleading statements” at issue in this case. *See* Exhibit 2, Declaration of Maria Crimi Speth (“Speth Decl.”) at ¶ 4.

5. In response to Defendants’ request, GSM produced 97 pages of documents bearing Bates Nos. GSMIC 0001–0097 which were printouts from the Rip-Off Report website and which are attached as Exhibit A to the affidavit of Ed Magedson. Speth Decl. ¶ 5.

6. Other than these 97 pages and the statements contained therein, GSM has not identified any other specific false statements which it accuses Defendants of publishing about it. Speth Decl. ¶ 6.

7. None of the reports/rebuttals/statements about George S, May contained in the documents bearing Bates Nos. GSMIC 0001–0097 were authored or created, in whole or in part, by Defendants or their agents. Magedson Dec. ¶¶ 10-14; Exhibit 3, Affidavit of Kim Jordan ¶ 7; Exhibit 4, Affidavit of Paulette Griffith ¶ 7; Exhibit 5, Affidavit of Amy Thompson ¶ 7; Exhibit 6, Affidavit of Heather Dorton ¶ 7; Exhibit 7, Affidavit of Jackie Wynne ¶ 7; Exhibit 8, Affidavit of G. Young ¶ 7; Exhibit 9, Affidavit of Lynda Craven ¶ 7; Exhibit 10, Declaration of Kim Smith ¶ 7; Exhibit 11, Declaration of Ben Smith ¶6; Exhibit 12, Declaration of Mary Jo Baker; Exhibit 13, Declaration of C.S. Bowen.

8. Despite subpoenaing the Internet Service Provider of every author of every report/rebuttal, there are no documents or records which show that any of the reports/rebuttals contained in the documents bearing Bates Nos. GSMIC 0001–0097 were authored or created by Defendants. *See* Exhibit 14, Declaration of Cheryl Contois ¶¶ 18–20.

9. All of the reports which mention GSM on the ROR Sites were authored or created by independent third-party users of the site, not by Defendants. Magedson Dec. ¶ 12.

10. The Defendants and their agents did not add content about George S. May to any of the documents in Exhibit “A” and did not create or author the titles to the reports or rebuttals. Magedson Dec. ¶¶7, 11.

XCENTRIC VENTURES, LLC and EDWARD
MAGEDSON

By: /s/ James K. Borgia
One of Their Attorneys

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