

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GEORGE S. MAY )  
INTERNATIONAL COMPANY, )

Plaintiff, )

-vs- )

XCENTRIC VENTURES, LLC, )  
RIP-OFF REPORT.COM )  
BADBUSINESSBUREAU.COM, )  
ED MAGEDSON, VARIOUS )  
JOHN DOES, JANE DOES AND )  
ABC COMPANIES, )

Defendants. )

Case Number 04-C-6018

Judge Norgle

**FILED**

JAN 11 2005

JUDGE CHARLES R. NORGLER  
U.S. District Court Judge

**PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME FOR  
SERVICE OF SUMMONS AND COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 4(m)**

Now Comes Plaintiff, George S. May International Company ("GSMIC") by and through its attorneys, Seyfarth Shaw LLP, and hereby moves for an extension of time to serve the Summons and Complaint in the above-captioned case. In support of its Motion, GSMIC states as follows:

1. Plaintiff filed its Complaint, along with its Motion for a Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction, with this Court on September 15, 2004. Plaintiff mailed copies of the Summons and Complaint, along with the Motion and Exhibits, to XCentric Ventures, LLC's corporate address, at P.O. Box 470, Phoenix, Arizona 85280, and also sent copies to the Internet registrar for XCentric Ventures, LLC, c/o DirectNic.com, P.O. Box 470, Tempe, Arizona 85280.

2. In response to this lawsuit, James K. Borcia and David O. Yuen, of the law firm Tressler, Soderstrom, Maloney, and Priess, filed an Appearance on behalf of Named Defendants, XCentric Ventures, LLC and Ed Magedson. Maria Crimi Speth, an attorney with the law firm of Jaburg & Wilk located in Phoenix, Arizona, has also communicated with Plaintiff's counsel in this case, and has responded to Plaintiff's discovery issued in this matter. Ms. Speth has not filed an appearance with the Court.

3. Named Defendants have filed various documents in opposition to this lawsuit, and have appeared through counsel at each court date scheduled since the filing of this action. The Doe Defendants have not appeared.

4. At the December 3, 2004 status conference, Plaintiff requested that this Court grant its Motion for Expedited Discovery with respect to the jurisdictional issues raised by Named Defendants. This motion was granted in part, and Plaintiff issued its First Set of Interrogatories and Requests for Production of Documents to Defendants on December 10, 2004.

5. In addition, Plaintiff has requested that Named Defendants' counsel accept service of the Summons and Complaint via letter dated December 8, 2004, attached as Exhibit A. Named Defendants' counsel refused to accept service or otherwise respond by the deadline indicated in the letter.

6. Plaintiff sent, via messenger to Named Defendants' counsel, a Notice of Lawsuit and Request for Waiver of Service of Summons from XCentric Ventures, LLC and Ed Magedson, on December 14, 2004 (attached as Exhibit B).

7. Plaintiff received discovery responses from Named Defendants on or about December 28, 2004. Plaintiff's First Set of Interrogatories, Interrogatory 1, asked Defendants to

“State the name, title, address, telephone number of the persons providing information in response to these interrogatories.” Defendants responded to Interrogatory 1 as follows:

Maria Crimi Speth  
Jaburg & Wilk, P.C.  
3200 North Central Ave., Suite 2000  
Phoenix, AZ 85012

Edward Magedson  
c/o Jaburg & Wilk, P.C.  
3200 North Central Ave., Suite 2000  
Phoenix, AZ 85012

See Excerpts from Defendants’ Responses to Plaintiff’s First Set of Interrogatories, attached as Exhibit C.

8. In Plaintiff’s First Set of Interrogatories, Interrogatories 7 and 8, Plaintiff asked Defendants to identify the names, addresses, telephone numbers, and any other contact information of the individuals identified as the sources of an itemized list of postings, and whom Plaintiff is suing as the Doe Defendants. See Exhibit C. Named Defendants refused to divulge any identifying information in response to these interrogatories.

9. On December 31, 2004, Plaintiff received a letter from Maria Crimi Speth, an attorney located in Arizona who represents XCentric Ventures LLC and Ed Magedson but has not filed an appearance in this case. This letter, attached as Exhibit D, expressed the position that “[t]he client will not authorize me to accept service of the Complaint.” The letter did not address Plaintiff’s Request for a Waiver of Service of Summons, nor did it indicate which “client” refused to authorize Ms. Speth to accept service of the Complaint.

10. To date and despite Plaintiff’s good faith efforts, Plaintiff has been unable to locate the residence of Ed Magedson for service of process purposes, and Named Defendants have not provided an adequate address for Ed Magedson in response to Plaintiff’s interrogatory.

11. Additionally, Named Defendants have not provided adequate information in response to Plaintiff's discovery requests, and Plaintiff has therefore been unable to identify the Doe Defendants.

12. Upon information and belief, XCentric Ventures LLC's registered agent G. Peter Busnack runs a wilderness school in the Arizona desert that is not readily accessible for service of process purposes, and/or provided an address to the Arizona Corporation Commission that is not a recognized address and/or provided a zip code that does not correspond to "Reevis Mountain, Arizona." See Third Affidavit of Kindstrand at Exhibit 1, attached to this Motion as Exhibit E.

13. As the comments to Federal Rule of Civil Procedure 4(m) state, "[t]he new subdivision explicitly provides that the court shall allow additional time if there is good cause for the plaintiff's failure to effect service in the prescribed 120 days, and authorizes the court to relieve a plaintiff of the consequences of an application of this subdivision even if there is no good cause shown." Fed. R. Civ. P. 4, Comments to the 1993 Amendments. Furthermore, the comments state "[r]elief may be justified, for example...if the defendant is evading service or conceals a defect in attempted service." *Id.*

14. By failing to provide an accurate address to the Arizona Corporation Commission, by failing to provide an address for Ed Magedson in response to Plaintiff's First Set of Interrogatories, and by failing to provide adequate information to identify the Doe Defendants, Defendants are attempting to evade service of process. Named Defendants and/or Named Defendants' counsels have not accepted Plaintiff's request for waiver of service. Plaintiff has good cause for requesting an extension of time.

15. Named Defendants will not be prejudiced by an extension of time because they are represented by counsel who has appeared in this case and who is fully apprised of the status of this case.

WHEREFORE, Plaintiff respectfully requests that this Court grant it an extension of time to serve the Summons and Complaint on Defendants, for a period of ninety days. Additionally, Plaintiff respectfully requests that this Court enter an order requiring Defendants to provide an address for Ed Magedson and G. Peter Busnack at which service may be effected, and to also order Defendants to provide as a response all the information requested in Plaintiff's First Set of Interrogatories, Interrogatories 7 and 8, as it is relevant to identify and serve Doe Defendants in this action, by 5 p.m. Central Standard Time on January 18, 2005. Furthermore, Plaintiff respectfully requests that this Court enter an order requiring Defendants to bear the costs for failure to comply with the Request for Waiver of Service of Summons, including the costs to Plaintiff in effecting services, and including a reasonable attorney's fee, of any motion required to collect the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2) and 4(d)(5).

**DATED: January 11, 2005**

Respectfully submitted,

GEORGE S. MAY INTERNATIONAL COMPANY

By: *Rachel M. Kindstrand*  
One of Its Attorneys

Attorneys for Plaintiff:

Bart A. Lazar, Esq.  
Ronald L. Lipinski  
Rachel M. Kindstrand, Esq.  
**SEYFARTH SHAW LLP**  
55 East Monroe, Suite 4200  
Chicago, Illinois 60603  
Telephone: (312) 346-8000  
Facsimile: (312) 269-8869  
Firm No. 90747

CASE NO. 04 c 6018

FILE DATE: Jan. 11, 2005

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) A

Writer's direct phone  
(312) 269-8986  
Writer's e-mail  
blazar@seyfarth.com

December 8, 2004

**VIA FACSIMILE**  
**(312)-627-1717**

James K. Borcia  
David O. Yuen  
Tressler, Soderstrom, Maloney & Priess  
233 South Wacker Drive, 22nd Floor  
Chicago, Illinois 60606-6308

**VIA FACSIMILE**  
**(602)-248-0522**

Maria Crimi Speth  
Jaburg & Wilk, P.C.  
Great American Tower  
3200 North Central Ave., Ste. 2000  
Phoenix, Arizona 85012

**Re: George S. May International Company v. XCentric Ventures LLC, et al., Case No. 04-C-6018.**

Dear Mr. Borcia and Ms. Speth:

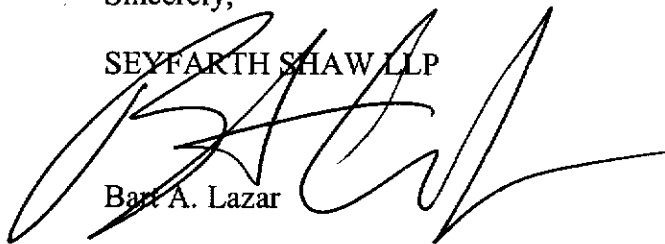
As a follow-up to our letter dated December 2, 2004, I am writing to ask if you are willing to accept service of the Summons and Complaint on behalf of the Defendants for which you have filed your appearance, specifically Xcentric Ventures LLC and Ed Magedson. Please respond to this request by the close of business (central standard time) on December 10, 2004.

With respect to the letter and request from Mr. Borcia dated December 6, 2004, we will consider your request to dismiss the websites upon completion of discovery. Please contact me if you have any questions.

Sincerely,

SEYFARTH SHAW LLP

Bart A. Lazar



BAL:rmk

cc: Ronald L. Lipinski  
Rachel M. Kindstrand



## Facsimile Transmission

Date: December 8, 2004

RECIPIENT	COMPANY	PHONE NO.	FAX NO.
James K. Borgia	Tressler Soderstrom Maloney & Priess	312 627 4000	312 627 1717
Maria Crimi Speth	Jaburg & Wilk, P.C.	602 248 1000	602 248-0522

FROM: Bart A. Lazar

PHONE:

RE: George S. May v. Xcentric Ventures, LLC, et al.

File No:	18735-085	Number of Pages, Including Cover:	2
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- |  |  |
|--|--|
| <input type="checkbox"/> Hard copy to follow | <input checked="" type="checkbox"/> Hard copy will not follow  |
| <input type="checkbox"/> Per your request    | <input type="checkbox"/> Please review and revise if necessary |
| <input type="checkbox"/> Please telephone me |  |

### MESSAGE:

Please see attached letter.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Confirmation Report - Memory Send

Page : 001  
Date & Time: Dec-08-04 05:51pm  
Line 1 : +3123468000  
Machine ID : Seyfarth Shaw

Job number : 532  
Date : Dec-08 05:50pm  
To : 916022480522  
Number of pages : 002  
Start time : Dec-08 05:50pm  
End time : Dec-08 05:51pm  
Pages sent : 002  
Status : OK

Job number : 532 \*\*\* SEND SUCCESSFUL \*\*\*



55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603  
(312) 346-8000  
Fax (312) 288-8869  
www.seyfarth.com

Facsimile Transmission

Date: December 8, 2004

<b>RECIPIENT</b>	<b>COMPANY</b>	<b>PHONE NO.</b>	<b>FAX NO.</b>
James K. Borcia	Tressler Soderstrom Maloney & Priess	312 627 4000	312 627 1717
Maria Crimi Speth	Jaburg & Wilk, P.C.	602 248 1000	602 248-0522
<b>FROM:</b>	Bart A. Lazar		
<b>PHONE:</b>			
<b>RE:</b>	George S. May v. Xcentric Ventures, LLC, et al.		

File No: 18735-085 Number of Pages, Including Cover: 2

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|--|--|
| <input type="checkbox"/> Hard copy to follow | <input checked="" type="checkbox"/> Hard copy will not follow  |
| <input type="checkbox"/> Per your request    | <input type="checkbox"/> Please review and revise if necessary |
| <input type="checkbox"/> Please telephone me |  |

MESSAGE:

Please see attached letter.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Date & Time: Dec-08-04 05:45pm  
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Machine ID : Seyfarth Shaw

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Date : Dec-08 05:44pm  
To : 896271717  
Number of pages : 002  
Start time : Dec-08 05:44pm  
End time : Dec-08 05:45pm  
Pages sent : 002  
Status : OK

Job number : 531 \*\*\* SEND SUCCESSFUL \*\*\*



25 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603  
(312) 346-8000  
Fax (312) 266-6869  
www.seyfarth.com

Facsimile Transmission

Date: December 8, 2004

RECIPIENT	COMPANY	PHONE NO.	FAX NO.
James K. Borcia	Tressler Soderstrom Maloney & Priess	312 627 4000	312 627 1717
Maria Crimi Speth	Jaburg & Wilk, P.C.	602 248 1000	602 248-0522
FROM: Bart A. Lazar			
PHONE:			
RE: George S. May v. Xcentric Ventures, LLC, et al.			

File No: 18735-085 Number of Pages, Including Cover: 2

- Hard copy to follow
- Per your request
- Please telephone me
- Hard copy will not follow
- Please review and revise if necessary

MESSAGE:

Please see attached letter.

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IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE PHONE (312) 346-8000 AS SOON AS POSSIBLE.

CASE NO. 04 C 6018

FILE DATE: Jan. 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) B

Writer's direct phone  
(312) 269-8951  
Writer's e-mail  
rkindstrand@seyfarth.com

December 14, 2004

**VIA MESSENGER**

James K. Borcia  
Tressler, Soderstrom, Maloney & Priess  
233 South Wacker Drive, 22nd Floor  
Chicago, Illinois 60606-6308

**Re: Notice of Lawsuit and Request For Waiver of Service of Summons, *George S. May International Company v. XCentric Ventures, LLC, Rip-OffReport.com, Badbusinessbureau.com, Ed Magedson, Various John Does, Jane Does and ABC Companies, Case No. 04-C-6018, currently pending in the United States District Court, Northern District of Illinois, Eastern Division***

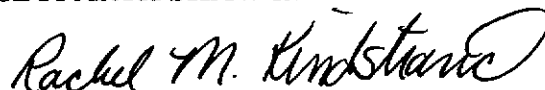
Dear Mr. Borcia:

Enclosed please find a Notice of Lawsuit and Request for Waiver of Service of Summons, as well as two copies of a Waiver of Service of Summons, addressed to your client, Ed Magedson. In addition, I am also enclosing a Notice of Lawsuit and Request for Waiver of Service of Summons, as well as two copies of a Waiver of Service of Summons, addressed to your client, XCentric Ventures LLC. I am enclosing two copies of the Complaint, one for Ed Magedson and one for XCentric Ventures LLC. For your convenience, I am also enclosing two prepaid Federal Express envelopes for the return of the Waiver for each of your clients.

Please return the signed Waivers, if accepted, as soon as possible, but in no event later than January 13, 2005. Thank you for your time.

Sincerely,

SEYFARTH SHAW LLP



Rachel M. Kindstrand

cc: Maria Crimi Speth (via facsimile 602-248-0522 with copies of Notice and Waiver)  
Ronald L. Lipinski (w/o enclosures)  
Bart A. Lazar (w/o enclosures)

**NOTICE OF LAWSUIT AND REQUEST  
FOR WAIVER OF SERVICE OF SUMMONS**

TO: Ed Magedson

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Northern District of Illinois, Eastern Division, and has been assigned docket number 04-C-6018.

This is not a formal summons, or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days after the date designated below as the date on which this Notice and Request is sent, before January 13, 2005. I enclose a prepaid Federal Express envelope, addressed to Seyfarth Shaw LLP, c/o Rachel M. Kindstrand, 55 East Monroe Street, Suite 4200, Chicago, Illinois 60603. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days, from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form, directly below the space for your signature.

I affirm that this request is being sent to you on behalf of the plaintiff, this 14<sup>th</sup> day of December, 2004.

Respectfully submitted,

SEYFARTH SHAW LLP

BY: Rachel M. Kindstrand  
One of the Attorneys for GEORGE S. MAY  
INTERNATIONAL COMPANY

Ronald L. Lipinski  
Bart Lazar  
Rachel M. Kindstrand  
SEYFARTH SHAW LLP  
55 East Monroe Street, Suite 4200  
Chicago, Illinois 60603

**WAIVER OF SERVICE OF SUMMONS**

TO: Seyfarth Shaw LLP, c/o Ronald L. Lipinski, Bart A. Lazar, or Rachel M. Kindstrand, 55 East Monroe, Suite 4200, Chicago, Illinois 60603.

I, Ed Magedson, acknowledge receipt of your request that I waive service of a summons in the action of George S. May International Company v. XCentric Ventures LLC, RipoffReport.com, Badbusinessbureau.com, Ed Magedson, Various John Does, Jane Does, and ABC Companies, which is case number 04-C-6018 in the United States District Court for the Northern District of Illinois. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under, Rule 12 is not served upon you within 60 days after December 14, 2004, or within 90 days after that date if the request was sent outside the United States.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

Printed/typed name: \_\_\_\_\_

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of, the action or over its person or property. A party who waives service of the summons retains all defenses and objections

(except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

[Adopted April 22, 1993, effective December 1, 1993.]



**NOTICE OF LAWSUIT AND REQUEST  
FOR WAIVER OF SERVICE OF SUMMONS**

TO: XCentric Ventures, LLC, by its Agent G. Peter Busnack, or its other agents, managers, members, and/or other officers

A lawsuit has been commenced against XCentric Ventures, LLC. A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Northern District of Illinois, Eastern Division, and has been assigned docket number 04-C-6018.

This is not a formal summons, or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days after the date designated below as the date on which this Notice and Request is sent, before January 13, 2005. I enclose a prepaid Federal Express envelope, addressed to Seyfarth Shaw LLP, c/o Rachel M. Kindstrand, 55 East Monroe Street, Suite 4200, Chicago, Illinois 60603. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days, from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form, directly below the space for your signature.

I affirm that this request is being sent to you on behalf of the plaintiff, this 14<sup>th</sup> day of December, 2004.

Respectfully submitted,

SEYFARTH SHAW LLP

BY: Rachel M. Kindstrand  
One of the Attorneys for GEORGE S. MAY  
INTERNATIONAL COMPANY

Ronald L. Lipinski  
Bart Lazar  
Rachel M. Kindstrand  
SEYFARTH SHAW LLP  
55 East Monroe Street, Suite 4200  
Chicago, Illinois 60603

**WAIVER OF SERVICE OF SUMMONS**

TO: Seyfarth Shaw LLP, c/o Ronald L. Lipinski, Bart A. Lazar, or Rachel M. Kindstrand, 55 East Monroe, Suite 4200, Chicago, Illinois 60603.

I, G. Peter Busnack, or other agent, manager, member or other officer \_\_\_\_\_, acting on behalf of XCentric Ventures, LLC, acknowledge receipt of your request that I waive service of a summons in the action of George S. May International Company v. XCentric Ventures LLC, RipoffReport.com, Badbusinessbureau.com, Ed Magedson, Various John Does, Jane Does, and ABC Companies, which is case number 04-C-6018 in the United States District Court for the Northern District of Illinois. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which it can return the signed waiver to you without cost to me.

XCentric Ventures, LLC agrees to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I or XCentric Ventures, LLC be served with judicial process in the manner provided by Rule 4.

I or XCentric Ventures, LLC will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me or XCentric Ventures, LLC if an answer or motion under, Rule 12 is not served upon you within 60 days after December 14, 2004, or within 90 days after that date if the request was sent outside the United States.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Printed/typed name: \_\_\_\_\_

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of, the action or over its person or

property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

[Adopted April 22, 1993, effective December 1, 1993.]

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CASE NO. 04 c 6018

FILE DATE: Jan. 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) C



5. Identify any donations, contributions, and/or other revenues received by Xcentric Ventures LLC and/or Ed Magedson, from persons, corporations, or any other entity located in the State of Illinois, and for each donation identify the name, address, and telephone number of the source of that donation, contribution or other revenue; the amount; the date in which the donation, contribution, or other revenue was made; and each document and/or thing used in any way to formulate this Response.

**RESPONSE:** Xcentric Ventures has checked its records back to 2003 and can find no contributions or donations from Illinois. Additionally, Mr. Magedson does not recall receiving any donations from Illinois.

6. Identify all purchasers of the "Ripoff Revenge Do-it-yourself Guide," which is also entitled "Do-it-Yourself Guide: How to get Rip-off Revenge <sup>TM</sup> and your money back too..." located in the State of Illinois; and include in the Response the name, address, and telephone number of the purchaser, the date of the purchase, the quantity purchased, and each document and/or thing that was used in any way to formulate this Response.

**RESPONSE:** Objection. Expedited discovery was for a limited purpose and due process requires that discovery at this stage be limited to questions that address jurisdiction. This interrogatory requests information that is not relevant to the issue of jurisdiction. Neither Xcentric Ventures, LLC nor Ed Magedson sells the product listed above. It is offered for sale and sold by a company called Consumer Media Publishing, LLC, a company that advertises on the Website.

7. Identify the Internet Protocol ("IP") addresses of the computers used to post the following postings, rebuttals, and/or updates to the websites [www.ripoffreport.com](http://www.ripoffreport.com) and/or [www.badbusinessbureau.com](http://www.badbusinessbureau.com), and each document used in any way to formulate this Response:

- a. The postings, rebuttals, and updates located [www.ripoffreport.com/reports/ripoff101597.htm](http://www.ripoffreport.com/reports/ripoff101597.htm), and [www.ripoffreport.com/reports/ripoff101732.htm](http://www.ripoffreport.com/reports/ripoff101732.htm).
- b. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff64081.htm](http://www.ripoffreport.com/reports/ripoff64081.htm).
- c. The postings, rebuttals, and updates located as [www.ripoffreport.com/reports/ripoff95354.htm](http://www.ripoffreport.com/reports/ripoff95354.htm).

- d. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff41290.htm](http://www.ripoffreport.com/reports/ripoff41290.htm).
- e. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff86538.htm](http://www.ripoffreport.com/reports/ripoff86538.htm).
- f. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff104370.htm](http://www.ripoffreport.com/reports/ripoff104370.htm).
- g. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff98372.htm](http://www.ripoffreport.com/reports/ripoff98372.htm).
- h. The postings, rebuttals, and updates located at [www.ripoffreport.com/reports/ripoff100195.htm](http://www.ripoffreport.com/reports/ripoff100195.htm).
- i. The postings, rebuttals, and updates located at (or formerly located at) [www.ripoffreport.com/reports/ripoff106424.htm](http://www.ripoffreport.com/reports/ripoff106424.htm), including the rebuttal entitled "Owner of George S. May Company child pornography and other heinous crimes."

**RESPONSE:** Objection. The requested information is protected by the privacy policy adhered to by Rip-Off Report and posted at <http://www.ripoffreport.com/F99.asp#safe>.

The requested information is also protected by A.R.S. § 12-2237 and A.R.S. § 12-2214. *See also, Bartlett v. Superior Court*, 722 P.2d 346 (App. 1986). Arizona law governs Xcentric Ventures' conduct since Xcentric is an Arizona based company.

Notwithstanding the above objection, Xcentric Ventures, LLC and ED Magedson respond neither they nor their agents authored any part of the described postings.

8. Identify the names, addresses, telephone numbers, and any other contract information, including but not limited to, email addresses of the persons who identified themselves as the sources of the postings, rebuttals, and updates described in paragraphs 7(a)-(i) above, and each document and/or thing used in any way to formulate this Response.

**RESPONSE:** Objection. The requested information is protected by the privacy policy adhered to by Rip-Off Report and posted at <http://www.ripoffreport.com/F99.asp#safe>.

The requested information is also protected by A.R.S. § 12-2237 and A.R.S. § 12-2214. *See also, Bartlett v. Superior Court*, 722 P.2d 346 (App. 1986). Arizona law governs Xcentric Ventures' conduct since Xcentric is an Arizona based company.

CASE NO. 04c6018

FILE DATE: Jan. 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) D



Gary J. Jaburg  
Roger L. Cohen  
Mitchell Reichman\*\*\*  
Kathi M. Sandweiss  
Lauren L. Garner  
Scott J. Richardson  
Maria Crimi Speth  
Michelle C. Lombino  
Mark D. Bogard  
Gregory S. Fisher  
Laurence B. Hirsch  
Jonathan Ibsen\*\*\*\*

**JW**  
**Jaburg & Wilk, P.C.**

ATTORNEYS AT LAW  
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Phoenix, AZ 85012

Tel 602/248-1000  
Fax 602/248-0522

[www.jaburgwilk.com](http://www.jaburgwilk.com)

Lawrence E. Wilk  
•Randy Nussbaum  
••Beth S. Cohn  
Craig J. Marton  
Mervyn T. Braude  
Susan R. Gilman  
James B. Reed  
Dalon J. Morgan  
Kelly Brown  
Peter M. Gennrich  
Jeffrey A. Sandell

\* ARIZONA CERTIFIED SPECIALIST, BANKRUPTCY  
\*\* ARIZONA CERTIFIED SPECIALIST, TAX LAW  
\*\*\* ARIZONA CERTIFIED SPECIALIST, FAMILY LAW  
\*\*\*\* LICENSED TO PRACTICE IN NEW YORK ONLY

Writer's Direct Line  
602/248-1089

Writer's E-mail  
[mcs@jaburgwilk.com](mailto:mcs@jaburgwilk.com)

December 20, 2004

Bart Lazar  
Seyfarth Shaw  
55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603

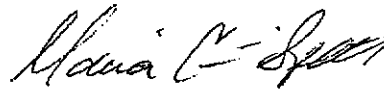
Re: *George S. May*

Dear Bart:

I have received your request to accept service of the complaint and I have conferred with the client. The client will not authorize me to accept service of the complaint. In light of the fact that you have chosen to file this action in a court that has no jurisdiction over my client, my client's position is reasonable.

Sincerely,

**JABURG & WILK, P.C.**



Maria Crimi Speth, Esq.

MCS:

cc: Xcentric Ventures

CASE NO. 04 c 6018

FILE DATE: Jan. 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) E

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

**GEORGE S. MAY** )  
**INTERNATIONAL COMPANY,** )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
**XCENTRIC VENTURES, LLC,** )  
**RIP-OFF REPORT.COM** )  
**BADBUSINESSBUREAU.COM,** )  
**ED MAGEDSON, VARIOUS** )  
**JOHN DOES, JANE DOES AND** )  
**ABC COMPANIES,** )  
 )  
Defendants. )

Case Number 04-C-6018

Judge Norgle

**THIRD DECLARATION OF RACHEL M. KINDSTRAND**

I, Rachel M. Kindstrand, have personal knowledge of the facts alleged herein, am competent to testify, and if called as a witness, would testify as follows:

1. I am an attorney licensed and in good standing with the State Bar of Illinois, and I am admitted to practice before the General Bar of the United States District Court for the Northern District of Illinois, Eastern Division.
2. I have entered an appearance as counsel for Plaintiff George S. May International Company in the above-captioned case.
3. I make this declaration in support of the Exhibits which are attached to this Declaration. This Declaration is made in support of George S. May International Company's Motion for An Extension of Time For Service of Summons and Complaint Pursuant to Federal Rule of Civil Procedure 4(m).

4. On December 12, 2004, I conducted a search in the Arizona Corporation Commission State of Arizona Public Access System, located on the internet at <http://starpas.cc.state.az.us/cgi-bin/wspd CGI.SH/WService=wsbroker1/connect.p?prm-db=namesrch&prm-app=names-report.p>, for XCentric Ventures LLC, and such search indicated that the Statutory Agent for Service of Process is G. Peter Busnack, located at 883 S. JB Rd., Reeves Mountain, Arizona 85545. See Exhibit 1.

5. On December 14, 2004, I conducted a search in the Google search engine for Peter Busnack, and discovered the webpage entitled "Arizona Wilderness Survival Schools and Adventures," which has a listing for the "Reevis Mountain School of Self Reliance and lists Peter Busnack as the contact person. See Exhibit 2. This webpage indicates that the Reeves Mountain School of Self Reliance has no phone number. Another webpage, accessed through a Google search for "Reevis Mountain" on January 11, 2005, indicates that a phone number is available for messages only. Exhibit 2.

6. On our about December 14, 2004, I attempted to locate "Reevis Mountain, Arizona" using the search engine Mapquest. Mapquest produced no results for "Reevis Mountain, Arizona." Since I was unable to locate Reeves Mountain, I sent Defendants' counsel a Notice of Lawsuit and Request for Waiver of Service of Summons. On January 11, 2005, I went to the search engine Mapquest, and I ran a search for "8833 S JB Rd, Reeves Mountain, AZ 85545," "Reevis Mountain, Arizona," and "Reevis, Arizona." This search did not retrieve any results for the above-listed locations, although the zip code 85545 matched the zip code for a location called "Roosevelt, Arizona." The results of these recent searches are attached as Exhibit 3.

7. I have not been able to locate a telephone directory listing for either Ed Magedson in the Phoenix metropolitan area, or G. Peter Busnack in the Phoenix metropolitan area, Reeves Mountain, Arizona; Globe, Arizona; or Roosevelt, Arizona.

8. I have been unable to identify Reeves Mountain on an atlas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2005  
Chicago, Illinois.

  
\_\_\_\_\_  
Rachel M. Kindstrand

CASE NO. 04c6018

FILE DATE: Jan. 11, 05

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EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) 1

12/12/2004

Arizona Corporation Commission  
State of Arizona Public Access System

2:04 PM

Corporate Inquiry

File Number: L-1092285-0

Corp. Name: XCENTRIC VENTURES, LLC

Domestic Address

PO BOX 470

PHOENIX, AZ 85280

Statutory Agent Information

Agent Name: G PETER BUSNACK

Agent Mailing/Physical Address:

8833 S JB RD

REEVIS MOUNTAIN, AZ 85545

Agent Status: APPOINTED 09/13/2004

Agent Last Updated: 09/20/2004

Officer and Director Information

Name: CREATIVE BUSINESS INVESTMENT C

Title: MANAGER

Address: % CROSBY & TURNER LAW OFFICE

	711 S 8TH ST
	LAS VEGAS, NV 891017006
<b>Date Assigned:</b> 02/23/2004	<b>Last Updated:</b> 04/21/2004
<b>Name:</b>	CREATIVE BUSINESS INVESTMENT C
<b>Title:</b>	MEMBER
<b>Address:</b>	% CROSBY & TURNER LAW OFFICE
	711 S 8TH ST
	LAS VEGAS, NV 891017006
<b>Date Assigned:</b> 02/23/2004	<b>Last Updated:</b> 04/21/2004

**Additional Corporate Information**

	Corporation Type: DOMESTIC L.L.C.
<b>Incorporation Date:</b> 08/27/2003	Corporate Life Period: PERPETUAL
<b>Domicile:</b> ARIZONA	County: MARICOPA
<b>Approval Date:</b> 08/27/2003	Original Publish Date: 10/17/2003

**Annual Reports**

No Annual Reports on File	
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**Scanned Documents**

(Click on gray button to view document)

Document Number	Description	Date Received



01017842	AGENT APPOINTMENT	09/13/2004
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Amendments






Amendment Date	Amendment Type	Publish Date	Publish Exception
03/25/2004	AMENDED AND RESTATED ARTICLES		
02/23/2004	AMENDED AND RESTATED ARTICLES		

Microfilm

Location	Date Received	Description
1-1608-018-038	08/27/2003	ARTICLES OF ORGANIZATION
2-0325-024-032	10/17/2003	PUBLICATION OF ARTICLES OF ORGANIZATION
1-1652-023-026	03/25/2004	AMENDED & RESTATED ARTICLES

- [Corporate Name Search Instructions](#)
- [General Web Site Usage Instructions](#)
- [Return to STARPAS Main Menu](#)
- [Return to A.C.C. Corporations Division Main Page](#)
- [Return to Arizona Corporation Commission Home Page](#)

# Arizona Corporation Commission

	<p><b>Return to Corporate Information</b></p> <p><a href="#">Back</a></p>	<p><b>Rotate &amp; Zoom</b></p> <p> <input type="text" value="100 %"/> </p> <p></p>	
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CASE NO. 04 C 6018

FILE DATE: Jan 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) 2

**Rent Asian Movies**  
Unlimited Online DVD  
Rentals for Only  
\$17.49 a Month - Try  
it Free!

**Anime Castle**  
Offers a huge  
selection of anime  
products: DVD, Music,  
Poster, Toys

**The latest Tenchi  
Muyo!**  
Latest and  
Complete Tenchi  
Muyo goods

**Tenchi Muyo E**  
Tenchi Muyo D  
for sale. aff Che  
out the deals no  
www.eBav.com

## Arizona Wilderness Survival Schools and Adventures



### Aboriginal Living Skills School, LLC

P.O. Box 3064  
Prescott, AZ 86302  
520-636-8384

[abodude@aztec.asu.edu](mailto:abodude@aztec.asu.edu)  
Cody Lundin

### Arizona Outdoor Institute

4733 Gloria Dr.  
Prescott, AZ 86301  
520-445-9617  
Dave Ganci

author of: "The Basic Essentials of Desert Survival"

specializing in desert survival

### Anasazi

P.O. Box 795  
Payson, AZ 85547

### Reevis Mountain School of Self Reliance

HCO2 Box 1534  
Roosevelt, AZ 85545  
(no phone)  
Peter Busnack

featured in the "Stay Alive" series of survival videos by Preston Westmoreland

Peter's ranch is in the Superstition mountains just east of Phoenix, Arizona and the only way to reach him is by U.S. mail (no phones, no plumbing, no roads). He offers a variety of Wilderness Survival and related courses, including a trek. He lives what

he teaches 365 days a year. Send him a letter and he will call you or send a brochure, as requested.

**Ancient Pathways ,LLC**

Tony Nester

1931 E. Andes

Flagstaff, Az 86004

(520) 774-7522

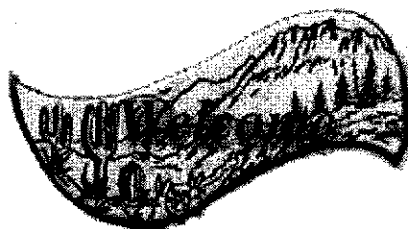
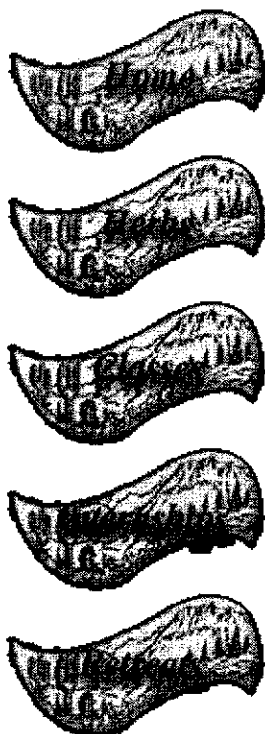
[anetser@attglobal.net](mailto:anetser@attglobal.net)



[home](#)

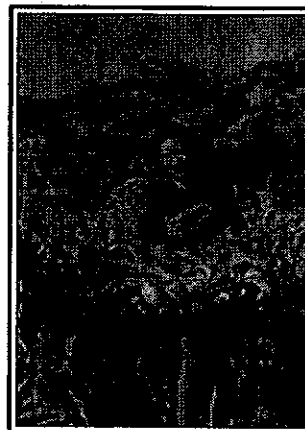


E-mail Us



### Mission Statement

**Reevis Mountain School** offers courses promoting self-reliance and an environment for people to truly reconnect with themselves, each other, and the earth, so that we might better understand nature and our human family coexisting on this living planet.



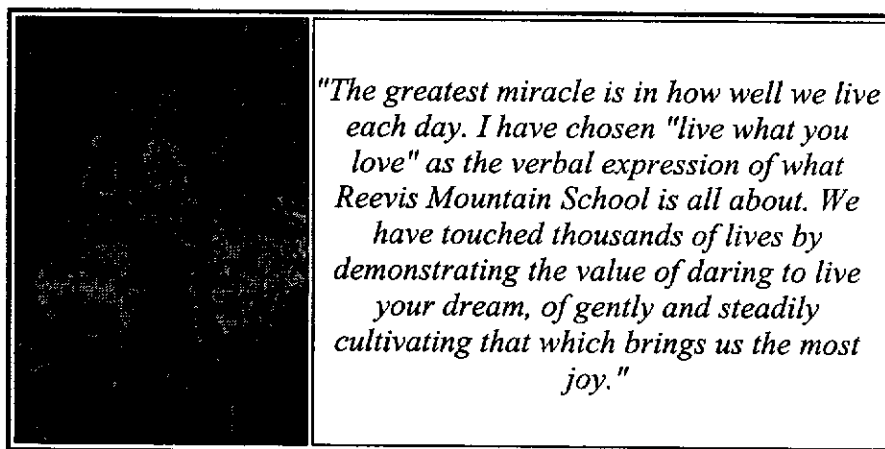
As a **sanctuary**, we desire to be a place of inspiration for humanity, of awakening to one's own true divinity, to foster personal health and wellness, harmonious relationships, and a reverence for our planet.

As purveyors of **herbal remedies**, we supply fresh-dried Sonoran Desert herbs and herbal tinctures that are uniquely handmade of sustainably wildcrafted or organically grown herbs. We believe in returning the ancient practice of herbalism, a god-given, wholistic, and self-empowering approach to health care, to the people.

As an **organic farm**, we actualize our desire to gently and cooperatively tend to crops and livestock in order to provide our community with a wholesome diet and lifestyle increasingly unavailable in our hi-tech, fast-paced world.

Reevis Mountain  
HC02 Box 1534  
Roosevelt, AZ 85545  
phone: (928) 467-2675 (message only)  
Metro Phoenix area representative: Lee Ann Aronson (480) 961-0490

E-Mail:  
[bigfoot@reevismountain.org](mailto:bigfoot@reevismountain.org)



*"The greatest miracle is in how well we live each day. I have chosen "live what you love" as the verbal expression of what Reevis Mountain School is all about. We have touched thousands of lives by demonstrating the value of daring to live your dream, of gently and steadily cultivating that which brings us the most joy."*

**Peter Bigfoot, Founder**

To visit our sister organization, (Delta Vector of Phoenix, Arizona),

which offers urban workshops on self-knowledge (perhaps the greatest survival skill of all), [click here](#)

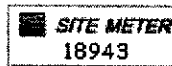
**A "REEVIS CLASSIFIED"**

**WANTED: Cook & Gardener (couple preferred)**

We supply room and board, a flexible schedule, and a small stipend. Open to folks with a non-dogmatic spirituality and eager to live a healthy, nature-connected lifestyle. Experience with whole foods cooking and organic gardening a must. Background in holistic health highly desirable. For more information, please review the [Work Exchange/Internship Guidelines and general information](#). To apply, please submit a completed [internship application](#), noting that it is in response to this ad.

Top

[Home](#) | [Herbs](#) | [Classes](#) | [Internships](#) | [Retreats](#) | [Contact](#)



Website design by The Organic Train

Website problems/questions? [E-Mail Webmaster](#)

CASE NO. 04c6018

FILE DATE: Jan. 11, 05

ATTACHMENT #. \_\_\_\_\_

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) 3





# Maps

[Revise Search](#) | [New Search](#)

Your search for "**Revis Mountain, AZ**" did not match any locations. Please check the spelling or enter a different city.

Tips:

- [Verify the address and spelling.](#)
- [Get a city map](#)
- [Search by business name](#)

[Business Solutions](#) | [Advertise](#) | [Wireless](#) | [Settings](#) | [Link to MapQuest](#) | [Help](#) | [Contact Us](#) | [About](#) | [Privacy](#) | [Legal](#)  
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# Maps

[Revise Search](#) | [New Search](#)

Your search for "**Reevis, AZ**" did not match any locations. Please check the spelling or enter a different city.

Tips:

- [Verify the address and spelling.](#)
- [Get a city map](#)
- [Search by business name](#)

[Business Solutions](#) | [Advertise](#) | [Wireless](#) | [Settings](#) | [Link to MapQuest](#) | [Help](#) | [Contact Us](#) | [About](#) | [Privacy](#) | [Legal](#)  
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# Maps

[Revise Search](#) | [New Search](#)

You searched for "**8833 S JB Rd, Reeves Mountain, AZ 85545**", MapQuest did not find this exact address, but found one very similar: "**Roosevelt, AZ 85545**".

★ [Get map of Roosevelt, AZ 85545](#)

Other Suggestions:

- [Revise your search](#) and try again.
- [Check your spelling](#).

[Business Solutions](#) | [Advertise](#) | [Wireless](#) | [Settings](#) | [Link to MapQuest](#) | [Help](#) | [Contact Us](#) | [About](#) | [Privacy](#) | [Legal](#)  
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