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5634-2

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, et al.,)	Honorable Judge Norgle
)	
Defendants.)	

**DEFENDANTS' MOTION FOR RECONSIDERATION
OF ORDER REQUIRING APPEARANCE OR IN THE
ALTERNATIVE REQUEST TO APPEAR TELEPHONICALLY**

Defendants, by and through their attorneys, respectfully request that this Court reconsider its Order that Defendant Ed Magedson appear before the Court on November 2, 2005 on the grounds that Defendants complied with the Court's September 13, 2005 order within one day of learning of the Order. In the alternative, Defendants respectfully request that Mr. Magedson be permitted to appear by telephone as Mr. Magedson does not travel by airplane and has been the subject of numerous threats on his life.

I. MAGEDSON EXPEDITIOUSLY COMPLIED WITH THIS COURT'S ORDER

The Court ordered Mr. Magedson's personal appearance in response to the representation by counsel for George S. May on September 28, 2005, that Defendants had not complied with the Court's September 13, 2005 order. However, Defendants complied with the order on September 19, 2005, less than 24 hours after learning of its existence. (Affidavit of Ed Magedson, Exhibit "A"). Further, after the redactions were completed, counsel for Defendants wrote to Plaintiff's counsel, Bart Lazar, and confirmed that the redactions had been made to the

website and requested that Plaintiff's counsel notify Defendants' counsel if he disagreed that the redactions were made according to his reading of the Court order. (Exhibit "B"). Plaintiff's counsel did not respond to the letter, and yet, he represented to the Court that the Order had not been complied with. If Plaintiff's counsel felt that the Order had not been complied with, he concealed that fact from Defendants and then blind-sided Defendants at the status conference. If the Plaintiff's goal was to have even more postings removed from the website, then the most expeditious way of doing that was to respond to Defendants' counsel's letter and identify what other statements were purported to be false. Instead, the goal seemed to be to prejudice this Court and lead it to believe that Defendants were flouting its authority when that clearly was not the case.

II. IF AN APPEARANCE IS NECESSARY, MAGEDSON SHOULD BE PERMITTED TO APPEAR TELEPHONICALLY

A. Mr. Magedson Does Not Travel By Airplane

For the past five or six years, Mr. Magedson has not traveled by airplane as a result of a near plane crash that instilled in Mr. Magedson a fear of flying. (Exhibit A). Thus, if he is forced to personally appear in Illinois, he will have to travel by car, train or bus. According to Mapquest, such a trip would be over 1,800 miles long and take 26 hours and 11 minutes of driving time. This is an undue burden that can easily be relieved if the Court will allow Mr. Magedson to appear telephonically. A telephonic appearance will be a minor inconvenience to the Court and will not prejudice Plaintiff in any way. When balancing the hardship to Mr. Magedson against the lack of harm in him appearing telephonically, his request for a telephonic appearance is entirely reasonable.

B. Mr. Magedson's Has Been The Victim Of Serious Threats

Because the Rip-off Report website is a forum for exposing predatory business practices, Mr. Magedson is the target of numerous threats. The threats have been made by email, letter, and telephone and are regularly reported to the authorities who are investigating them. (Exhibits "A" and "C"). While Defendants have no reason to believe that Plaintiff is connected in any way to these threats, Defendants are aware that this case is closely monitored by third parties who post significant developments on hate sites. (Exhibit "D"). Thus, it is likely that there has been or will be public announcement that Mr. Magedson will be appearing in Illinois. A public appearance by Mr. Magedson, especially one that is publicized beforehand, is potentially a dangerous situation for Mr. Magedson. Here again, this danger can be eliminated by a telephonic appearance.

III. CONCLUSION

Accordingly, Defendants request that the Court reconsider its Order that Mr. Magedson appear before the Court on November 2, 2005. In the alternative, Defendants request that Mr. Magedson be permitted to appear telephonically.

XCENTRIC VENTURES, LLC and ED MAGEDSON

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

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Oct-10-2005 02:13pm From-

T-894 P.001/002 F-716

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

**GEORGE S. MAY INTERNATIONAL
COMPANY,**

Plaintiffs,

vs.

CASE NO. 04C 6018

**(Assigned to the Honorable
Judge Norgle)**

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

Defendants.

DECLARATION OF EDWARD MAGEDSON

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

1. On the afternoon of September 18, 2005 I learned that the Court had issued an Order that I was in contempt and that I had to remove all of the postings that Plaintiff claimed were false.
2. On September 19, 2005, I completed the removal of all of the postings that the attorney for George S. May listed in a letter to my attorney as covered by the Court's order.
3. My attorney then wrote to Mr. Lazar to confirm that all of the postings that he listed in his letter were removed.
4. I have not traveled by airplane since 1999 or 2000.

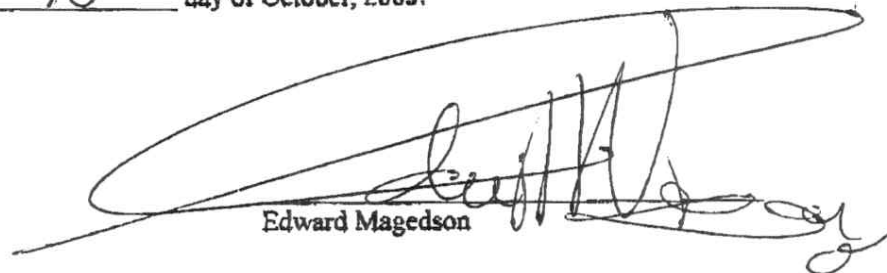


Oct-10-2005 02:13pm From-

T-894 P.002/002 F-716

5. In 1999 or 2000, I was on an airplane that was unable to safely land because of wind sheers. After multiple attempts, the flight was diverted. As a result, I have an intense fear of flying.
6. If I am forced to come to Illinois, I will drive or take a train or bus.
7. I have been and continue to be the target of numerous threats. The threats have been made by email, letter, telephone and to my property and are regularly reported to the authorities who are investigating them.

DATED this 10 day of October, 2005.



Edward Magedson

Gary J. Jaburg
Roger L. Cohen
Mitchell Reichman***
Kraig J. Marton
Mervyn T. Braude
Susan R. Gilman
Maria Crimi Speth
Neal H. Bookspan
Ronald M. Horwitz
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September 21, 2005

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

Re: *George S. May*

Dear Bart:



As I indicated to you when we spoke, I first learned of the Court's order regarding the additional redactions on Sunday when I came into my office to prepare for a trial. I attempted to fax your letter with the list to Ed from my office on Sunday but the fax transmission failed. I then faxed it from home and Ed had the list Sunday evening. The redactions were completed on Monday.

Ed and I spent more than an hour in telephone calls throughout Monday and Monday evening attempting to interpret your letter, which was not always clear. The redactions that were made are based on our best reading of your letter, and leaning in favor of doing the redaction when we were not sure. Please review the website and let me know if the redactions were made in accordance with your reading of the Order.

Bart, as you well know, my client completely disagrees that this ruling is constitutional and will be challenging it. It is a serious violation of the First Amendment and completely disregards the Communications Decency Act. We will be filing a Motion for Reconsideration and to the extent permitted procedurally, an Interlocutory Appeal. Your expansive reading of the Order, which has resulted in the removal of substantial content that can not even be contended to be false, only

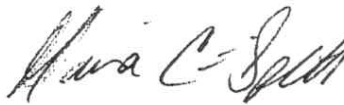
Offices also in Scottsdale
7047 E. Greenway Pkwy., Suite 140 • Scottsdale, AZ 85254 • Tel 480/624-2777 • Fax 480/607-9483

Bart Lazar
September 21, 2005
Page 2

exasperates the situation. I urge you to review the removed items, which I will separately forward to you, and designate those portions that your client does not contend are false so that they can be re-posted. If you do so, we will agree to not cite to those portions as examples of protected statements of fact and statements of opinion that were wrongfully restrained.

Sincerely,

JABURG & WILK, P.C.

A handwritten signature in black ink, appearing to read "Maria Crimi Speth". The signature is fluid and cursive, written over the printed name below.

Maria Crimi Speth, Esq.

MCS:

cc: Xcentric Ventures

Hey Ed, you've got mail! plenty of it I bet. Spam is areal big problem huh. Hope you are making money selling the DTV Dish cause you won't be making money at extortiuung money..

Hey Ed, life getting miserable fior you yet, well Ed here is a quick heads up! your head IS ABOUT TO BE POUNDED INTO THE GROUND. This is a final warning to you and anyone that works works with you or around you, everyone will suffer along with you. Your neighbors don't like you, the Police in Mesa definetly don't like tiy, just callthem and see for yourself. It is very sad no one will be helping youso you could say you are a dead mother fucker one way or another. If we don't get you in California we will get you in Florida and eventuallywe will get you in Arizona. the police said they will even help, isn't that great Ed.

We order you to now remove off your website all reports of anyone that asked you in the past you know wht I mean.

If you fail to do so I can tell you now your hands will never be touching a keyboard ever again. Your mouth will never talk with the media or police again If we find out you took this to the police swift action will cometo harm others you will see.

Many say it is paybsck time I sayyour time is already up either way you better keep hiding your life is coming to a quick end.

Have a great day.



Ed Magedson you can run but you cannot hide. You are about to die. If we will not get you several of the many we have contacted will get to you. As you know we are destroying you as you read this. How do you like stories about you being told all twisted as you have done to thousands of others destroying them and their business. You will be found like a rat fink that you are. Saturday is your deadline. Remove all references off your site regarding Bernard Haldane, Zaken, A abco, Kids.com Mr Bagwell, Lou Pearlman and anyone connected to him from the past and present, Joel Zwbner, Incredible Discoveries, HireBug, Silkgroups.com, FranchiseitNow.com, Terri Bears, Alec Defrawy, Dave Elliott, Zazou model, Seve Miller Federated Financial, John Robert Powers, Alpha Modeling Group, OnTrackModeling, Svetozar Petkov, Alyon, Iyad Muhanna, Jason Hoffman, Cathy Rowzie, Cort Randell, Mark Tolner, Michael J Zwbner, Mini Vacations
Others will suffer around you if you do not comply. Don;t bother wurtg the cops, cause you will suffer imidiatly. Yes, you must take this as a threat. This is a threat you must act imidiatly. If we miss you here, we will get you in Florida.
REMOVE IT ALL!!

<http://seniors-site.com/phpbb2/viewtopic.php?p=10841#10841>

▢ Fri Jul 08, 2005 3:25 pm

JohnSmith

The Dragnet: The roundup is about to begin

As a result of a major lawsuit in the midwest, we have been able to make major h company out of existence. ☺

Joined: 08 Jul 2005

Posts: 2

We currently have our people in Arizona gathering information and gleaning their f financial vulnerabilities of each person who works for, provides support to, or cor wish they never heard the name Ed Magedson, and they will wish that a lawsuit is recrimination.

Au revoir, Eddy



▢ Fri Jul 08, 2005 8:51 pm

[profile](#) [PM](#)

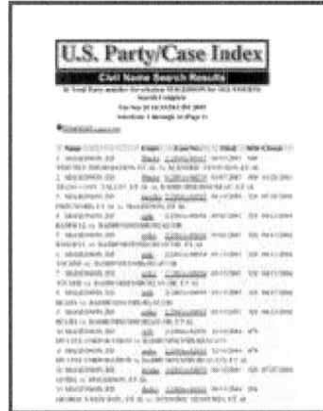
Forum



You be the judge.

09/20/05 - Update

A Listing of ALL Federal Court cases VS Ed Mage



How many more cases are there in State Cour

09/19/05