

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**PHILIP SELDON,**

**Plaintiff,**

**v.**

**EDWARD MAGEDSON, XCENTRIC  
VENTURES, LLC, and JOHN  
OR JANE DOE,**

**Defendants.**

**Case No: 11-CV-6218**

**DECLARATION OF EDWARD MAGEDSON IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS**

Ed Magedson, being duly sworn deposes and says:

1. My name is Ed Magedson. I am a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding, I could and would give the following testimony which is based upon my own personal knowledge unless otherwise stated.

2. I am the manager of Defendant XCENTRIC VENTURES, L.L.C., ("Xcentric") which is based in Tempe, Arizona. Xcentric operates a website known as "The Rip-Off Report" which is located at [www.ripoffreport.com](http://www.ripoffreport.com) and [www.badbusinessbureau.com](http://www.badbusinessbureau.com) (the "ROR Site").

3. I submit this affidavit in support of Xcentric's motion to dismiss the complaint in the above captioned action.

4. The ROR Site content is comprised of individual "reports" or postings created by users of the website. A consumer creates a report about a company's business

practices and submits it to the ROR Site for posting. Other consumers or the company that is the subject of the report can then comment on that report by posting a rebuttal.

5. There is no cost to post or read reports or rebuttals.

6. The ROR Site is a free resource available to the public and it assists the investigations of government officials, the FBI, state and local, law enforcement, attorneys general, and so forth. This website has been in operation since 1998 and we currently receive millions of hits every week.

7. I am personally familiar with the policies and the practices of Xcentric Ventures, LLC.

8. Xcentric is a limited liability company organized and existing under the laws of Arizona.

9. Xcentric's place of business is in the State of Arizona.

10. Xcentric does not own any assets in the State of New York, nor does it have any offices or employees in New York.

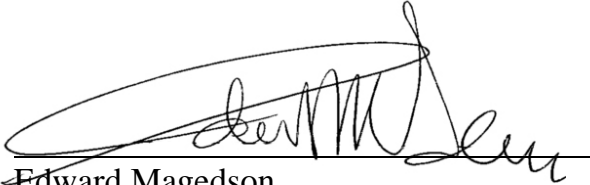
11. I do not own any real estate in New York.

12. Xcentric does not do business with or within the State of New York.

13. Xcentric has no customers in New York and does not advertise on behalf of any New York companies.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED ON: October 24, 2011.



Edward Magedson