

EXHIBIT A

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

WHITNEY INFORMATION NETWORK,
INC.; a Colorado corporation; and RUSS
WHITNEY, an individual,

Plaintiffs,

v.

XCENTRIC VENTURES, LLC, an
Arizona limited liability company;
BADBUSINESSBUREAU.ORG, an
Arizona limited liability company; and ED
MAGEDSON, an individual,

Defendants.

Case No: 2:04-CV-47-ftm-29-SPC

**AFFIDAVIT OF EDWARD
MAGEDSON**

JABURG & WILK, P.C.
ATTORNEYS AT LAW
7047 E. GREENWAY PARKWAY - SUITE 140
SCOTTSDALE, ARIZONA 85234
(480) 624-2777

State of Arizona }
County of Maricopa }ss.

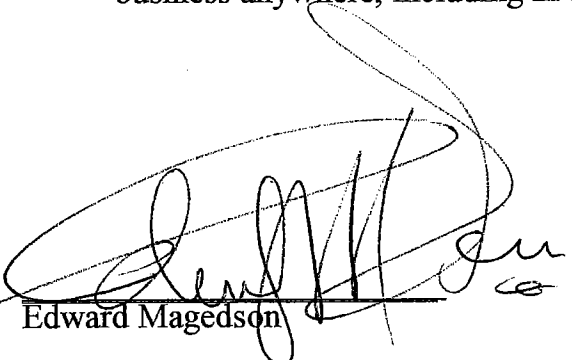
I, Edward Magedson, declare under penalty of perjury as follows:

1. I am a resident of the State of Arizona.
2. I neither reside, nor have I ever resided in the State of Florida.
3. The only time I spent in the State of the Florida was in or about the years 1972 and 1973 for vacation and operating a flower business.
4. I do not own any assets in the State of Florida. I sold my flower business in or about 1974. I have not owned any assets in Florida since that time.
5. I have not been to the State of Florida since 1973.

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- 6. I am personally familiar with the policies and the practices of Xcentric Ventures and Badbusinessbureau.org.
- 7. Xcentric is an Arizona limited liability company which neither transacts any business, has any agents, nor maintains any offices in Florida.
- 8. Xcentric merely operates a website which allows consumers the ability to post complaints against companies with which they have done business.
- 9. The website contains over 90,000 reports and the operators of the website cannot monitor all of these reports.
- 10. Badbusinessbureau.org was an Arizona Corporation that never even published Articles of Incorporation and was administratively dissolved. It has no involvement in the website at issue and it has never transacted business anywhere, including in the state of Florida.

JABURG & WILK, P.C.
 ATTORNEYS AT LAW
 7047 E. GREENWAY PARKWAY - SUITE 140
 SCOTTSDALE, ARIZONA 85254
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Edward Magedson

6-26-04
 Date:

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Defendants.

Case No: 2:04-CV-47-ftm-29-SPC

**DECLARATION OF EDWARD
MAGEDSON**

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

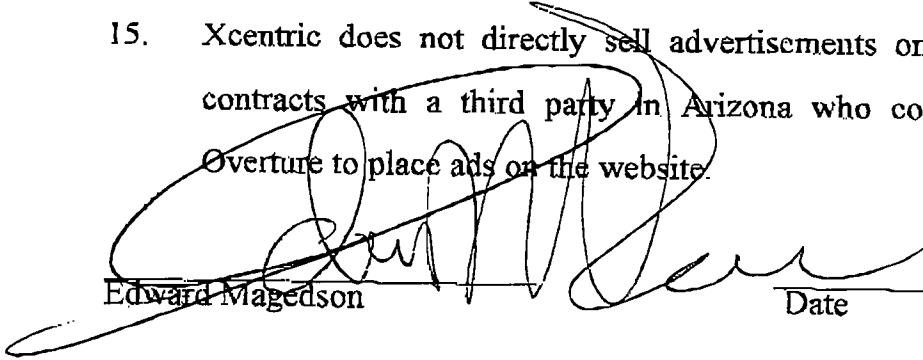
1. I am a member of Xcentric Ventures, LLC.
2. I do not personally review all of the postings that are made on Rip-off Report before they are posted.
3. Xcentric agents do not choose which stories to post. Agents review the reports before posting solely to redact profanity, obscenity and personal contact information (such as credit card numbers) that they may contain. Xcentric agents are instructed to never add content to a report.
4. Xcentric permits and encourages businesses to post rebuttals addressing the content of reports posted about them.
5. Neither I nor any agent of Xcentric authored the statements that are the subject of this lawsuit.
6. I was not aware of the reports that are the subject of the claims brought by Whitney Information Network, Inc. until after the reports were filed and after Whitney raised a concern about the accuracy of the reports.

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- 7. Neither I, nor any agent of Xcentric knew anything about Whitney Information Network, Inc. or Russ Whitney, including where they resided or did business, until this dispute arose.
- 8. Neither I, nor any agent of Xcentric used the trademarks "Whitney Information" or "Russ Whitney" at any time in any context. They appeared on the website only because the consumers who authored the reports chose to use them.
- 9. Xcentric Ventures does not own or sell the Rip-off Revenge Guide.
- 10. That guide is owned and sold by Consumer Media Publishing, LLC, an Arizona limited liability company.
- 11. Xcentric Ventures and Consumer Media have entered into agreements in Arizona whereby Xcentric Ventures markets the guide on a website that is linked to Rip-off Report. Consumer Media fills the orders and pays Xcentric a fee.
- 12. Xcentric Ventures solicits donations without regard to the state of origin of the donations.
- 13. The donations have been minimal, are often in cash, and records are not kept as to the source of the donations.
- 14. I can only recall one donation from a Florida resident for \$15 back in April or May.
- 15. Xcentric does not directly sell advertisements on its website. Xcentric contracts with a third party in Arizona who contracts with Google or Overture to place ads on the website.

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 7047 E. GREENWAY PARKWAY - SUITE 140
 SCOTTSDALE, ARIZONA 85254
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 Edward Magedson
 Date 8-24-04