

1 David S. Gingras, CSB #218793
2 **Gingras Law Office, PLLC**
3 4072 E Mountain Vista Dr.
4 Phoenix, AZ 85048
5 Tel.: (480) 639-4996
6 Fax: (480) 668-3623
7 David.Gingras@webmail.azbar.org

FILED
CLERK, U.S. DISTRICT COURT
FEB 24 2010
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

6 Attorneys for Defendants
7 Xcentric Ventures, LLC and
8 Edward Magedson

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 **ASIA ECONOMIC INSTITUTE,**
13 **a California LLC; RAYMOND MOBREZ,**
14 **an individual; and ILIANA LLANERAS, an**
15 **individual,**

16 **Plaintiffs,**

17 **vs.**

18 **XCENTRIC VENTURES, LLC,**
19 **an Arizona LLC, d/b/a**
20 **BADBUSINESSBUREAU.COM and/or**
21 **RIPOFFREPORT.COM;**
22 **BADBUSINESSBUREAU.COM, LLC,**
23 **organized and existing under the laws of St.**
24 **Kitts/Nevis, West Indies; EDWARD**
25 **MAGEDSON, an individual, and Does 1**
26 **through 100, inclusive.**

27 **Defendants.**

CV10 1360 RSWL PJWx
Case No: _____

NOTICE OF REMOVAL

RECEIVED
CLERK, U.S. DISTRICT COURT
FEB 22 2010
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

GINGRAS LAW OFFICE, PLLC
4072 E. MOUNTAIN VISTA DRIVE
PHOENIX, ARIZONA 85048

1 Defendants XCENTRIC VENTURES, LLC (“Xcentric”) and EDWARD
2 MAGEDSON (“Magedson”; collectively “Defendants”) give notice that this action is
3 hereby removed from the Los Angeles County Superior Court to the United States
4 District Court for the Central District of California pursuant to 28 U.S.C. § 1446.
5 Removal of this action is proper on the following grounds:

6 **1. Removal Is Timely Pursuant to 28 U.S.C. § 1446(b)**

7 On January 29, 2010, Defendants received notice via telephone from Plaintiffs’
8 counsel that this action was commenced in the Los Angeles County Superior Court, Case
9 No. SC106603. The Complaint was filed in the state court proceeding on January 27,
10 2010 and has not been served as of the date of removal. Removal is therefore timely
11 pursuant to 28 U.S.C. § 1446(b).

12 **2. The District Court Possesses Federal Question Jurisdiction**

13 The Complaint in this matter (attached hereto as Exhibit A¹) alleges two federal
14 causes of action arising under the Racketeer Influenced and Corrupt Organizations Act
15 (“RICO”), to wit: 1.) a violation of 18 U.S.C. § 1962(c); and 2.) a violation of 18 U.S.C.
16 § 1962(d). Claims made pursuant to the RICO Act raise federal questions and this Court
17 has original jurisdiction over such claims pursuant to 18 U.S.C. § 1964(a) and 28 U.S.C.
18 § 1331. *See Poulos v. Caesars World, Inc.*, 379 F.3d 654, 662 (9th Cir. 2004) (noting
19 District Courts have federal question jurisdiction over RICO claims).

20 **3. The District Court Possesses Diversity Jurisdiction**

21 The District Court also possesses diversity jurisdiction over this matter pursuant to
22 28 U.S.C. § 1332. According to the Complaint, each Plaintiff is a citizen of the State of
23 California while each Defendant is a citizen of either Arizona or St. Kitts/Nevis, West
24 Indies. Although it does not specify a certain amount sought, the Complaint clearly
25 seeks damages that may exceed \$75,000 including general damages, special damages,

26
27 ¹ The Complaint received by Defendants purports to contain 33 pages but is missing the
28 second page. Counsel for Defendants requested a complete copy from Plaintiffs’
counsel, but Plaintiffs’ counsel did not respond to the request.

GINGRAS LAW OFFICE, PLLC
4072 E. MOUNTAIN VISTA DRIVE
PHOENIX, ARIZONA 85048

1 punitive damages, treble damages under RICO, attorney's fees, and injunctive relief.
2 Accordingly, this court possesses diversity jurisdiction. *See Valdez v. Allstate Ins. Co.*,
3 372 F.3d 1115, 1117 (9th Cir. 2004).

4 **4. The District Court Possesses Supplemental Jurisdiction**

5 Pursuant to 28 U.S.C. § 1367, the District Court possesses supplemental
6 jurisdiction over all other claims on the basis that such claims are so related to claims in
7 the action within such original jurisdiction that they form part of the same case or
8 controversy under Article III of the United States Constitution.

9 **5. All Defendants Consent to Removal**

10 All Defendants (Xcentric and Magedson) consent to removal. Defendant
11 BADBUSINESSBUREAU.COM, LLC has been dissolved and is no longer an existing
12 entity and will therefore not be appearing in this action. In addition,
13 Badbusinessbureau.com, LLC has not been served with process in this action and
14 therefore its consent to removal is not required. *See Salveson v. Western States Bankcard*
15 *Ass'n*, 731 F.2d 1423, 1429(9th Cir. 1984); *Prize Frize, Inc. v. Matrix Inc.*, 167 F.3d 1261,
16 1266 (9th Cir. 1999).

17 **6. State Court Pleadings**

18 Copies of all pleadings filed in the state court proceedings and received by
19 Defendants are attached hereto as **Exhibit A**.

20 DATED this 19th day of February, 2010.

21 GINGRAS LAW OFFICE, PLLC

22 

23 David S. Gingras
24 Attorney for Defendants
25 Xcentric Ventures, LLC and
26 Edward Magedson

GINGRAS LAW OFFICE, PLLC
4072 E. MOUNTAIN VISTA DRIVE
PHOENIX, ARIZONA 85048

PROOF OF SERVICE
1013A(3) C.C.P. Revised 5/1/88

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

I am employed in the County of Maricopa, State of Arizona. I am over the age of 18 and not a party to the within action. My business address is 3200 N. Central Avenue, Suite 2000, Phoenix, Arizona 85012.

On February 19, 2010 I served the foregoing document described as:

Notice of Removal

on the interested parties in this action by placing:
 a true and correct copy –OR_ the original document
thereof enclosed in sealed envelopes addressed as follows:

Daniel F. Blackert, Esq. Attorney for Plaintiffs
Asia Economic Institute, LLC
11766 Wilshire Blvd., Suite 260
Los Angeles, CA, 90025
Telephone: (310) 806-3000
Facsimile: (310) 826-4448

BY MAIL:
 I deposited such envelope in the mail at Phoenix, Arizona. The envelope was mailed with postage thereon fully prepaid.
 As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Phoenix, Arizona in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of Arizona that the above is true and correct.

GINGRAS LAW OFFICE, PLLC
4072 E. MOUNTAIN VISTA DRIVE
PHOENIX, ARIZONA 85048

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Asia Economic Institute, LLC; Raymond Mobrez; Iliana Llaneras	DEFENDANTS Xcentric Ventures, LLC; Bad Business Bureau, LLC; Edward Magedson
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Daniel F. Blackert, CSB #255021 11766 Wilshire Blvd., Suite 260 Los Angeles, CA 90025	Attorneys (If Known) David S. Gingras, CSB #218793 Gingras Law Office, PLLC 4072 E Mountain Vista Dr. Phoenix, AZ 85048

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

18 U.S.C. § 1962. Complaint contains two causes of action under the Racketeer Influenced and Corrupt Organizations Act ("RICO")

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	---	---	---

CV10 1360 4

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
N/A	All Defendants reside in Arizona

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date February 18, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Ronald S. W. Lew and the assigned discovery Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

CV10- 1360 RSWL (PJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.