

**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

REPLY MEMORANDUM OF LAW IN SUPPORT OF CONTEMPT SANCTION

Defendants attempt to mislead the Court regarding the nature of Defendants’ contempt, as well as the nature of the remedy that George S. May seeks.

I. Defendants’ Continued Postings of False and Deceptive Statements Violates the Lanham Act, a Federal Statute

For the first time, in challenging the remedy for Defendants’ contempt, Defendants argue that this Court could not find Defendants in contempt at all, because this is a diversity action. This argument is a total red herring. First, the issue was not raised by Defendants when it initially responded to George S. May’s motion to find Defendants in contempt, therefore Defendants have waived the right to make this argument. Second, as Defendants recognize in a footnote, this case centers on a federal question, violations of the Lanham Act, which is Count I of the Complaint, formed the basis for this Court’s TRO and formed the basis for this Court’s September 13, 2005 Order finding Defendants in contempt.

As this Court clearly stated in its September 13, 2005 Order, Defendants “in spite of the TRO, has posted communications on its websites that are ‘false or deceptively misleading’ regarding May’s business practices and activities.” September 13, 2005 Order, pg. 2. Such conduct is a violation of the Lanham Act, Count I of the Complaint. Grove Fresh Distributors, Inc. v. New England Apple Products Co., Inc., 969 F.2d 552, 557 (7th Cir. 1992); Keller Medical Specialties Products v. Armstrong Medical Industries, Inc., 842 F. Supp. 1086, 1093 (N.D. Ill. 1994) (Lanham Act applies to false or misleading statements of fact). Defendants have also not contested the case law which states that George S. May is entitled to a compensatory civil contempt sanction for Defendants’ violations of the Lanham Act. Connolly v. J.T. Ventures, 851 F.2d 930, 932 (7th Cir. 1988) (award of damages for contempt involving the Lanham Act); International Star Reg. of Ill., Ltd. v. SLJ Group, Inc., 325 F.Supp.2d 879, 882 (N.D. Ill. 2004) (sanction in the form of compensatory damages in a Lanham Act case is civil contempt).

Thus, the entirety of Section II of Defendants’ argument (pgs. 3-6 of Defendants’ Brief) is misplaced and should be rejected out of hand by the Court as Defendants’ contempt violates the TRO and Federal law.

II. The Remedy George S. May Seeks is Civil in Nature

It is black letter law that judicial sanctions in a civil contempt proceeding may be imposed either to coerce a defendant into compliance with the court’s order or to compensate a complainant for losses sustained. United States v. United Mine Workers, 330 U.S. 258, 303-304 (1947); see also Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 441 (1911) (contempt sanction is considered civil if it is remedial, for the benefit of the complainant). Connolly, 851 F.2d at 932-933. In this case, George S. May seeks a remedy which will compensate it for the damages caused by Defendants’ acts of contempt and coerce Defendants into compliance with the TRO—classic civil contempt remedies. Id., Time Warner Cable v. U.S. Cable T.V, Inc., 920

F. Supp. 321, 328 (E.D.N.Y. 1996) (awarding compensatory damages resulting from importation of descrambling devices).

In fashioning the appropriate remedy, it is the longstanding authority of judges to “enter broad compensatory awards for all contempts through civil proceedings.” International Union, UMW v. Bagwell, 512 U.S. 821, 838 (1994). In assessing a civil fine, a court should “insure full compensation to the party injured.” Select Creations, Inc. v. Paliafito America, Inc., 906 F. Supp. 1251, 1278 (E.D. Wis. 1995) (applying Seventh Circuit precedent).

Defendants mischaracterize the nature of the remedy that George S. May seeks. Based on George S. May’s best analysis of the damage that it believes has been caused by Defendants’ contumacious conduct, George S. May reasonably believes that it has been damaged in an amount in excess of \$280,000 for Defendants’ failure to comply with the TRO from September 24, 2004 to September 13, 2005. See Declaration of Israel Kushnir submitted in support of the contempt sanction. As Connolly and International Star hold, this is an appropriate compensatory sanction, and is civil in nature.

While George S. May reasonably believes that this amount may compensate George S. May for the damage that Defendants’ contumacious conduct caused **up to** September 13, 2005, the fact is that Defendants continue to violate the TRO. See George S. May’s Response to Defendants’ Motion to Reconsider the contempt order. As a civil contempt sanction designed to coerce the Defendants into compliance, George S. May calculated that it is damaged approximately \$767 per day that Defendants remain in contempt. Therefore, George S. May requests that for every day Defendants continue to violate the TRO **after September 13, 2005**, George S. May asks that this Court assess a coercive fine of \$767. Of course, this Court, in its discretion may increase or decrease the amount as it deems appropriate. However, this

amount—though not a “round” number was and is George S. May’s best calculation of the per day damage that Defendants’ contempt causes. Such a per day contempt sanction for non-compliance is also an appropriate civil contempt remedy to either coerce compliance or to compensate George S. May for the additional damage.

III. Defendants Do Not Have a Right to a Jury Trial for Civil Contempt

Because the remedy George S. May seeks is civil in nature, Defendants have no right to a jury trial. International Union, UMWA, 512 U.S. at 838-839.

IV. George S. May Has Presented Sufficient Evidence of Damages to Support a Compensatory Award

Under Seventh Circuit precedent, George S. May must prove its damages stemming from Defendants’ contempt within a reasonable degree of certainty. Select Creations, 906 F.Supp. at 1278. It is enough if the evidence shows the extent of the damages as a matter of just and reasonable inference, although the result may be approximate. Id. The evidence that George S. May has presented, including the Defendants’ postings and the Declaration of Israel Kushnir, the Chief Executive Officer of George S. May¹, does precisely what Select Creations requires.

Defendants’ acts of contempt involve publishing and distributing false statements about George S. May, its officers, employees and business. Defendants permit statements that George S. May, a business consultant, among other things, encourages larceny, robs, rapes and pillages its clients, lies to its clients and defrauds its clients. September 13, 2005 Order, pg. 2. Based on the falsity and content of the postings alone, and the nature of George S. May’s business, it does not require much of an inference to conclude that these statements harm George S. May.

George S. May has also demonstrated that individuals considering doing business or an employment opportunity have searched on Google for the company, and that Google searches

¹ George S. May will separately file a response to Defendant’s evidentiary objection.

lead to the false statements posted on Defendants' site in violation of the TRO. The Kushnir Declaration provides specific examples of situations where customers have chosen not to do business with George S. May from September 24, 2004 until September 13, 2005 as a result of Defendants' postings. Thus, the Kushnir Declaration shows the extent of the damages as a matter of just and reasonable inference.

Under the test set forth in Select Creations, and the evidence before it, George S. May submits that this Court has sufficient evidence available to assess an appropriate compensatory or coercive civil fine. That being said, Mr. Kushnir is fully prepared to testify if this Court believes that oral testimony regarding the civil contempt remedy is necessary or appropriate.

V. Defendants Have Not Contested the Awarding of Reasonable Attorney's Fees

As part of the broad discretion courts have in choosing the means to impose a compensatory award a part of a sanction for civil contempt, the award may include an award of attorney's fees and costs. Grove Fresh Distributors., Inc. v. John LaBatt Ltd., 888 F.Supp. 1427, 1435 (N.D. Ill. 1995). Since Defendants have not challenged the awarding of George S. May's attorney's fees, and Defendants did not act to comply with the TRO (other than removing one posting) until this Court entered its contempt finding on September 13, 2005, George S. May believes that an award of its reasonable attorney's fees and costs is appropriate.

VI. Defendants Have Not Contested the Additional Injunctive Relief Requested

While Defendants have challenged the monetary remedy George S. May seeks, Defendants have not challenged the equitable remedy George S. May seeks in terms of an order tailored to prevent Defendants from posting information related to George S. May, either entirely, or without assurance that Defendants know that the poster is legitimate and is not making false statements of fact.

Courts have broad discretion in choosing the means to grant relief fashioning orders to remedy civil contempt and coerce compliance. Connolly, 851 F.2d at 932. Regardless of the Court's determination of a monetary sanction, it is clear that something must be done to coerce Defendants to comply with the TRO. Defendants have not contested the fact that this case is a perfect example of the need for an injunction to keep Defendants, proven infringers safely away from the perimeter of future infringement." Tamko Roofing Products, Inc., v. Ideal Roofing Co., Ltd., 282 F.3d 23, 40-41 (1st Cir. 2002).

Defendants have not challenged George S. May's proposed remedy. Therefore George S. May requests that this Court, enter an order which either:

1) bars Defendants from hosting any postings regarding George S. May until such time as Defendants can provide this Court with a mechanism by which it can be certain of the identity of the people who are posting on their sites regarding George S. May, and a reasonable method for removing postings from persons whose identities or statements of fact cannot be verified; or

2) requires Defendants to establish terms and conditions which its users must agree to before posting, in which Defendants require the users to certify that their postings are accurate, and Defendants must receive and maintain the name, address and other contact information on each individual posting concerning George S. May. This information must be supplied to George S. May upon request in order to attempt to verify the identity of the person making the posting and the veracity of the posting. If George S. May supplies Defendants with a sworn statement that the poster cannot be identified, and/or that the statements of fact contained in the statement are false or deceptively misleading, Defendants must take the posting down.

VII. Defendants Had the Opportunity to Appear and Challenge But Mr. Magedson Refused to Appear

As noted above, Mr. Kushnir is willing to appear at a civil contempt hearing if this Court rules that it is necessary or appropriate to assist in fashioning the appropriate remedy. However, this Court will recall that on October 21, 2005 this Court ordered Ed Magedson to appear before the Court on November 2, 2005 so that this Court could hold a hearing at which Mr. Magedson would have the opportunity to respond as to an appropriate contempt sanction and discovery sanction for Defendants' failure to comply with this Court's Order compelling compliance with

George S. May's discovery requests. Defendants' strenuously objected to having Mr. Magedson appear in Court, and this Court reconsidered its order compelling Mr. Magedson's appearance at Defendants' insistence. However, having had and objected to the opportunity to be heard on the civil contempt sanction, it is disingenuous and improper for Defendants to now seek such a hearing. Defendants had notice and an opportunity to be heard and knowingly passed on the opportunity.

CONCLUSION

Defendants have been found in contempt, and are not entitled to a jury trial for this court to determine an appropriate civil contempt remedy. Defendants have been afforded the opportunity to appear and testify as to the remedy, but objected and passed on the opportunity. Thus, George S. May respectfully requests that this Court issue a civil contempt order: 1) Fining Defendants jointly and severally, a sum appropriate to compensate George S. May for Defendants' Lanham Act violations of the TRO from September 24, 2004 to September 13, 2005 (which George S. May submits ought to be \$280,000); 2) Providing for an additional compensatory or coercive fine for each day in which Defendants are not in compliance with the TRO, commencing on September 14, 2005 (which George S. May submits ought to be \$767 per day until Defendants have complied); 3) Issue an appropriate additional order designed to restrain Defendants from future violations of the TRO (which George S. May submits could be either a) enjoining Defendants from hosting any posting pertaining to George S. May until Defendants provide a reasonable mechanism that assures this Court that any postings about George S. May will be verifiable and the authors of such postings identifiable; or b) enjoining Defendants from hosting any posting pertaining to George S. May unless Defendants obtain and maintain identifying information regarding the authors of such postings, and shall take any posting down whose author or the veracity of any statements of fact cannot be verified by

George S. May); 4) awarding George S. May its reasonable attorneys' fees and costs in this matter (which can be submitted within seven (7) days of any order); and 5) such additional and further relief this Court deems necessary and proper to adequately compensate George S. May for Defendants' failure to comply with the TRO or to coerce Defendants' compliance with the TRO.

DATED: November 11, 2005

Respectfully submitted,

GEORGE S. MAY INTERNATIONAL COMPANY

By: s/ Bart A. Lazar
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2005, I electronically filed **Plaintiff George S. May International Company's Reply Memorandum of Law in Support of Contempt Sanction**, with the Clerk of Court using the CM/ECF system, which will send notification of such filings to the following:

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And will send by regular mail to the following:

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s/ Bart A. Lazar

JKB/cic/371507

5634-2-51

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, RIP-OFF)	Honorable Judge Norgle
REPORT.COM, BADBUSINESSBUREAU.COM,)	
ED MAGEDSON, VARIOUS JOHN DOES, JANE)	
DOES AND ABC COMPANIES,)	
)	
Defendants.)	

**DEFENDANTS' REPLY IN SUPPORT OF THEIR
AMENDED MOTION FOR RECONSIDERATION**

Pursuant to this Court's order dated October 26, 2005, Defendants XCENTRIC VENTURES, LLC ("Xcentric"), RIP-OFF REPORT.COM ("Rip-Off Report"), BADBUSINESSBUREAU.COM ("BBB") and Edward Magedson ("Magedson"; collectively "Defendants"), by and through their attorneys, respectfully submit the following Reply to Plaintiff GEORGE S. MAY's ("Plaintiff") Response to Defendant's Amended Motion for Reconsideration.

I. PRELIMINARY COMMENTS

As this Court correctly noted in its last order, there is some confusion concerning the exact nature of Defendants' motion, and whether that motion was timely. Understanding that issue is required in order to reach the correct conclusion, so some clarification on that matter is offered prior to discussing the merits of the motion.

As the Court knows, the issue here is an order dated September 13, 2005 in which the Court found Defendants in contempt for failing to remove certain material posted on their site. On October 25, 2005, Defendants filed a motion styled "Amended Motion for Reconsideration" which referenced Fed. R. Civ. P. 54(b), and which contained arguments urging the Court to reconsider its decision to hold Defendants in contempt.

The following day, on October 26, 2005, this Court issued an order which outlined the Court's belief that Defendants' motion was more in the nature of request under Rule 59(e) (allowing alteration or amendments to judgments) and/or Rule 60(b) (allowing relief from judgments on the basis of mistake, etc.). In this order, the Court also noted, quite correctly, that motions to alter/amend a judgment under Rule 59(e) must be filed within 10 days after entry of judgment, so by that standard, Defendants' October 25 motion would be untimely if brought under Rule 59(e). By process of elimination, this would leave Rule 60(b) as the only authority which might permit the relief Defendants are seeking, and as the Court also correctly noted, Rule 60(b) relief is generally regarded as an "extraordinary" remedy which is granted only in exceptional circumstances.

The Court's statements require that three crucial points be emphasized.

First, while motions to reconsider are not expressly authorized by the Federal Rules of Civil Procedure, they are nonetheless recognized as a tool available to litigants in federal court:

[T]he Seventh Circuit [has] observed that a motion for reconsideration performs a valuable function where: the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension. A further basis for a motion for reconsideration would be a controlling or significant change in the law or facts since the submission of the issue to the Court.

Jefferson v. Security Pacific Financial Services, Inc., 162 F.R.D. 123, 124–125 (N.D. Ill. 1995), citing *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990), quoting *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)).

Second, a motion for reconsideration is normally judged according to the standards of Rule 59(e), not Rule 60(b). See *Sutliff, Inc. v. Donovan Cos., Inc.*, 727 F.2d 648, 652 (7th Cir. 1984); *Quaker Alloy Casting Co. v. Gulfco Indus., Inc.*, 123 F.R.D. 282, 288 n. 9 (N.D. Ill. 1988).

Third, Defendants' motion is not untimely because no final judgment or order has been entered yet, and thus neither Rule 59(e) nor Rule 60(b) have any application at all. By their own terms, both of those rules discussion modification of, or relief from a final "judgment" or order. Rule 54(a) defines the term judgment narrowly; "'judgment' as used in these rules includes a decree and any order from which as appeal lies." Here, no final judgment or order has been entered, so neither of these rules apply at all.

Although Fed. R. Civ. P. 54(b) specifically permits a court to enter a partial final judgment or order, the rule requires that the court must first make "an express determination that there is no just reason for delay and upon an express direction for the entry of judgment." Fed. R. Civ. P. 54(b). Any judgment or order which lacks such language is not final as a matter of law, and such interlocutory orders can be modified, in whole or in part, at any time prior to the entry of final judgment:

In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

Fed. R. Civ. P. 54(b) (emphasis added).

The rationale for this result is very sound. A party can only appeal a final judgment or order. *See* 28 U.S.C. § 1291. A non-final or interlocutory order cannot be appealed unless and until it becomes final in the manner proscribed by Rule 54(b), or unless it fits within certain exceptions set forth in 28 U.S.C. § 1292; none of which are applicable here. *See International Business Machines Corp. v. U.S.*, 493 F.2d 112, 123 (C.A. N.Y. 1973) (noting interlocutory civil contempt orders generally not immediately appealable).

Thus, when a Court enters a final order consistent with Rule 54(b), that order is immediately appealable, and is also subject to the short timelines set forth in Rule 59(e). After that time has run, the only manner to obtain relief (other than by appeal), is to seek relief under Rule 60(b), which is an extraordinary and rarely-successful undertaking.

On the other hand, a non-final interlocutory order cannot be appealed as a matter of right, and because no appellate remedy is available, Rule 54(b) mandates that all non-final orders can be modified at any time before the entry of a final order. This is why Defendants' motion is timely — the Court has not entered any final order, and the Court is therefore free to change its mind at any time until such a final order has been entered.

In this way, Defendants' motion may simply be viewed as no different than any other motion; it is an application for an order within the meaning of Rule 7(b)(1). It is axiomatic that no time limits apply to a party's right to seek orders upon motion while an action is pending, and thus the Court can and should consider the merits of Defendants' pleading, regardless of how it is styled.

II. THIS COURT SHOULD REVERSE ITS FINDING THAT DEFENDANTS CONTUMACIOUSLY VIOLATED THE TRO

Turning then to the merits of the issue, Plaintiff has grossly misled this Court as to the sequence of events which have preceded the instant motion. To be clear, Plaintiff has attempted to confuse the past with the present, all in an effort to make it seem as if Defendants knowingly violated this Court's order when, in fact, they did not.

As the Court will recall, this issue has been pending for nearly a year. Last September, in 2004, this litigation began, and Plaintiff asked the Court for an injunction requiring Defendants to remove certain *allegedly* false information from their websites. On September 24, 2004, the Court issued a TRO to this effect which, by its own terms, applied only to "false or deceptively misleading descriptions, statements or representations concerning George S. May"

At this point, the Court must recall that in the process of obtaining the TRO, Plaintiff provided the Court with a single posting (attached as Exhibit C to the declaration of Charles R. Black), which was claimed to be false. This single posting was the only matter that was specifically addressed prior to the entry of the TRO, and this single posting was removed after the Court entered the TRO.

What happened next is what Defendants are referring to when they accuse Plaintiff of trying to "pull one over" on the Court.

After the Court issued the TRO based on the single posting, Plaintiff unilaterally decided that virtually every posting that concerned Plaintiff on Defendants' websites was false. Note that with the exception of an isolated issue discussed in a letter dated November 12, 2003 (long before this case began), each and every letter referenced in Exhibit A to Plaintiff response post-dates both the September TRO and October 8, 2004 preliminary injunction. These "post-TRO" matters were never reviewed or considered by the Court, and, most importantly, there has never been any adjudication of the truth or falsity of these statements.

The matters raised in these letters (one of which is dated October 8, 2004 and the other October 25, 2005), constitute nothing more than unproven, unsupported allegations of counsel which were never brought to the Court's attention at or before the subject TRO was entered. These claims have never seen the inside of a courtroom, and Plaintiff has never proven that these statements were, in fact false. Because the TRO only applied to false and misleading statements, such proof is mandatory before any of these statements can be shown to fall within the TRO's scope.

Thus, Plaintiff has asked the Court to hold Defendants in contempt, and issue an award of damages in excess of \$500,000 based solely on statements which Plaintiff *alleges* are within the scope of the TRO (or subsequent injunction), but which may not actually be within the scope of the TRO. In pursuing this goal, Plaintiff seeks to end-run, if not trample, each and every element of Defendants' due process rights. In other words, Plaintiff's entire scheme here can be reduced to the following: Plaintiff says something is false, Plaintiff's word is incontrovertible and entitled to unlimited acceptance at face value, so Plaintiff is therefore entitled to infinite damages from Defendants without the hassle or burden of a trial, or any process whatsoever. This baseless and legally meritless request is so outrageous, so egregious, and so patently offensive such that it should shock this Court's conscience.

The Court clearly is vested with the power to make orders, including pre-trial orders temporarily enjoining certain acts, but that does not empower the Court to simply hear one party's side of a story, skip the quaint tradition of a trial, and then issue damages in whatever amount Plaintiff desires.

Plaintiff's response also notes that courts usually consider five factors when asked to reconsider a prior decision, among them, "the court has patently misunderstood a party," and

“the court has made a decision outside the adversarial issues presented to the court by the parties.” Defendants contend that both of these factors are at issue here.

First, as explained in the motion for reconsideration itself, pursuant to the express terms of the Communications Decency Act, 47 U.S.C. § 230 (the “CDA”), Defendants cannot, as a matter of law, be treated as the speaker or publisher of information that has been posted on the website by third parties. Of course, here, all of the allegedly false content that Defendants supposedly failed to remove was posted by third parties. Defendants are not, as a matter of law, responsible for these posts, and in fact, are entitled to immunity from both damages and injunctive relief. Whether or not this issue was raised earlier, no case has ever held that the immunity created by the CDA is waiveable, and because this Court has not yet entered any final order or judgment, it is plainly appropriate for the Court to verify that its ruling is not inconsistent with federal law, which it clearly is.

Furthermore, as noted above, Defendants believe that they cannot be held in contempt for failing to remove postings that this Court never found to be false, and which the Court was not even aware of at the time it issue the TRO/injunction which Plaintiff claims has been violated. By definition, such a holding is tantamount to an adjudication of an adversarial issue that was never actually presented to the Court. This is precisely the sort of error that can be revisited in a motion for reconsideration.

Finally, Defendants strongly contend that the TRO cannot be enforced in the manner in which Plaintiff seeks to enforce it without offending the First Amendment’s prohibition upon prior restraints. Defendants are fully aware of, and do not disagree with, this Court’s prior observation that false or misleading commercial speech can be prohibited entirely. But this simply returns to the following question — has Plaintiff ever actually proven, in a contested,

adversarial proceeding in which Defendants have been permitted to present evidence and cross-examine Plaintiff's witnesses, that any false or misleading statements were wrongfully kept on Defendants' sites following entry of the TRO?

The answer to this question is obviously NO. Plaintiff has merely *alleged* that the post-TRO/injunction statements were false, and thus within the scope of the TRO. This allegation has never been tested, and such scrutiny is absolutely, and constitutionally, required before this Court may lawfully muzzle the speech of the users of Defendants' websites. Allowing Plaintiff to arbitrarily invoke the contempt power of this Court in such a manner makes Plaintiff the supreme arbiter, and gatekeeper, of the First Amendment. Such is not the law, and this Court cannot lawfully permit such a result to stand.

III. CONCLUSION

Defendants' Motion for Reconsideration is timely and well-founded. This Court can, and must, reconsider its prior decision, and regardless of all other issues, because Defendants have never willfully violated any order of this Court, the Court should vacate that finding and, to the extent it intends to actually consider any request for criminal contempt damages, it must set that matter for trial for the reasons explained in Defendants' separate briefs addressing that issue.

XCENTRIC VENTURES, LLC and
EDWARD MAGEDSON

By: /s/James K. Borcia
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GEORGE S. MAY INTERNATIONAL)	
COMPANY,)	
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Plaintiff,)	
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v.)	Case No. 04 C 6018
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XCENTRIC VENTURES, LLC, et al.,)	Honorable Judge Norgle
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2005, I electronically filed **Defendants' Response to Motion for Sanctions** with the Clerk of Court using the CM/ECF system which will send notification of such filings(s) to the following:

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XCENTRIC VENTURES, LLC and ED MAGEDSON

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