

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

Case No. 2:04-cv-47-FtM-29 SPC

WHITNEY INFORMATION NETWORK, INC.,
a Colorado corporation,

Plaintiffs,

v.

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

Defendants.

**DEFENDANT XCENTRIC VENTURES, LLC'S OPPOSITION TO PLAINTIFF'S
MOTION TO EXPEDITE ANSWERS TO PLAINTIFF'S THIRD SET OF
INTERROGATORIES**

Defendant XCENTRIC VENTURES, LLC, (Xcentric), hereby opposes Plaintiff's
Motion to Expedite Answers to Plaintiff's Third Set of Interrogatories.

**Plaintiff has not requested the depositions referenced in the Motion, so the Motion is
premature.**

Plaintiff Whitney Information Network, Inc. ("Plaintiff") has not alleged unusual
circumstances that would prejudice Plaintiff if discovery is not expedited. On May 14, 2007,
Plaintiff propounded its Third Set of Interrogatories to Xcentric requesting information that,
according to Plaintiffs' motion, would allow Plaintiff to schedule depositions. Pursuant to Rule

26(d), Fed.R.Civ.P., as well as Plaintiff's own instructions included on the Third Set of Interrogatories, Xcentric is allowed until June 18, 2007 to respond.

If Plaintiff wants to schedule depositions for Xcentric employees, Plaintiff should request depositions through Xcentric's counsel. Plaintiff has not requested any deposition dates for the employees referenced in Plaintiff's Motion. There is already a time set for the depositions of several Arizona witnesses. Xcentric is cooperating to provide the requested witnesses on the agreed upon dates of August 2-3, 2007.

Plaintiff forecasts "possible disputes regarding the discoverability of [the requested] information" or that possibly "some of the employees no longer reside at the last known addresses [such that] Plaintiff would need additional time to track these people down" in order to take depositions while Plaintiff's counsel is in Arizona taking Defendants' depositions. These hypothetical situations have not yet happened. The hypothetical speculations addressed in Plaintiff's Motion do not constitute unusual circumstances that prejudice the Plaintiff. If Plaintiff wanted information sooner, Plaintiff should have requested sooner.

There is no evidence or likelihood of unusual, prejudicial circumstances

Xcentric is willing to discuss whatever depositions Plaintiff wishes to request. Plaintiff cannot show any likelihood that all appropriate Arizona depositions cannot be covered on the same trip. Even if Plaintiff had to make more than one trip to Arizona, that would constitute mere inconvenience, and would not be unusual or materially prejudicial to Plaintiff's case.

Conclusion

Plaintiff's request to expedite discovery are premature and must be denied for the reasons stated.

Dated: May 31st, 2007.

Respectfully submitted,

By: /s/ Maria Crimi Speth
Maria Crimi Speth, Esq.
E-Mail: mcs@jaburgwilk.com
Counsel for Defendant XCentric Ventures, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this 31st day of May, 2007, to: Scott W. Rothstein, Esq. 401 East Las Olas Blvd. Ste 1650, Fort Lauderdale, Florida 33301.

JABURG & WILK, P.C.

By: /s/ Maria Crimi Speth
Maria Crimi Speth