

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

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

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.

**PLAINTIFFS' UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME
TO RESPOND TO DEFENDANTS' MOTION TO DISMISS COMPLAINT
FOR LACK OF PERSONAL JURISDICTION**

Plaintiffs, WHITNEY INFORMATION NETWORK, INC. and RUSS WHITNEY, by and through their undersigned counsel, file this, their Unopposed Motion for an Enlargement of Time to respond to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction, and state:

1. Plaintiffs respectfully request an enlargement of time up through and including June 30, 2004, to file their response to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction with Supporting Memorandum of Law.

2. On or about June 28, 2004, Defendants served their Motion to Dismiss Complaint for Lack of Personal Jurisdiction, rendering a response due on or about July 15, 2004.

3. Defendants' Motion raises numerous novel and complicated issues of law and fact challenging this Court's jurisdiction over the Defendants, which require in-depth research.

4. Furthermore, Plaintiffs must compile jurisdictional affidavits from Plaintiffs, as well as other witnesses, to rebut the affidavits filed by Defendants and support this Court's exercise of personal jurisdiction over Defendants, and Plaintiffs have yet been able to obtain them.

5. Plaintiffs certify that their counsel, Christina M. Kitterman, has conferred with Defendants' counsel and they are not opposed to this Court granting the requested enlargement.

6. This Motion is filed in good faith, for good cause, and the requested relief is not sought for the purposes of delay.

WHEREFORE, based upon the foregoing, Plaintiffs, WHITNEY INFORMATION NETWORK, INC. and RUSS WHITNEY, respectfully request that this Court enter an Order Granting Plaintiffs' Unopposed Motion for an Enlargement of Time to respond to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction and grant Plaintiffs up through and including June 30, 2004, to respond to same.

MEMORANDUM OF LAW

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, this Court “for cause shown may at any time in its discretion” enlarge the time permitted by the Rules for Plaintiffs to reply to Defendants’ Motion to Dismiss Complaint for Lack of Personal Jurisdiction. Plaintiffs’ Unopposed Motion for an Enlargement of Time clearly sets forth a good faith basis for granting the requested enlargement. Plaintiffs are not engaging in any type of delay tactic that would warrant denial of this Motion. Plaintiffs respectfully request that the Court exercise its discretion and permit the requested enlargement for the good cause stated herein.

WHEREFORE, based upon the foregoing, Plaintiffs, WHITNEY INFORMATION NETWORK, INC. and RUSS WHITNEY, respectfully request that this Court enter an Order Granting Plaintiffs’ Unopposed Motion for an Enlargement of Time to respond to Defendants’ Motion to Dismiss Complaint for Lack of Personal Jurisdiction and grant Plaintiffs up through and including June 30, 2004, to respond to same.

Dated: July __, 2004

Respectfully submitted,

By: /s/ Christina M. Kitterman
Scott W. Rothstein, Esq.
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Christina M. Kitterman, Esq.
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ROTHSTEIN ROSENFELDT
Counsel for Plaintiffs
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this _____ day of July, 2004, to: James A. Weinkle, Wachovia Financial Center, Suite 3400, 200 South Biscayne Boulevard, Miami, FL 33131-5323; Maria Crimi Speth, Esq. 3200 North Central Avenue, Suite 2000, Phoenix, AZ 85012; Jonathan P. Ibsen 7047 East Greenway Parkway, Suite 140, Scottsdale, AZ 85254.

ROTHSTEIN ROSENFELDT

By: /s/ Christina M. Kitterman
Scott W. Rothstein, Esq.
Christina M. Kitterman, Esq.

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Defendants.

**ORDER ON PLAINTIFFS' UNOPPOSED MOTION FOR AN ENLARGEMENT
OF TIME TO RESPOND TO DEFENDANTS' MOTION TO
DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

THIS CAUSE came before the Court on Plaintiffs' Unopposed Motion for an Enlargement of Time to respond to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction, and the Court has carefully considered the Motion and being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that Plaintiffs' Unopposed Motion for an Enlargement of Time to respond to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction is hereby **GRANTED**. Plaintiffs will have fifteen (15) days up through and including June 30, 2004, to respond to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction.

DONE AND ORDERED, in Chambers at Fort Lauderdale, Broward County,
Florida, this _____ day of _____, 2004.

U.S. DISTRICT COURT JUDGE

Copies Furnished To:
Scott W. Rothstein, Esq.
James A. Weinkle, Esq.

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FAX SERVICE LIST

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