

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

WHITNEY INFORMATION NETWORK, INC., a
Colorado corporation,

Plaintiff,

-vs-

Case No. 2:04-cv-47-FtM-34SPC

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

Defendants.

ORDER

_____ This matter comes before the Court on the Unopposed Motion to Allow Telephonic Mediation (Doc. #143) filed on September 14, 2007. The Defendants, Xcentric Ventures, LLC (Xcentric) and Ed Magedson (Magedson), move the Court for permission to appear for the scheduled mediation conference via telephone. As grounds, Mr. Magedson states that he is located in Arizona and would be required to travel to Florida by ground transportation due to an intense fear of flying. Pursuant to Local Rule 3.01, opposing Counsel does not object to the relief requested.

District courts have broad discretion in managing their cases. Chrysler Int'l Corp. v. Chenaly, 280 F.3d 1358, 1360 (11th Cir. 2002). While the Court's standard practice is to mandate personal appearances for mediation conferences, given the nature of the Defendant's request, the Court finds good cause to allow Mr. Magedson to appear via telephone for the mediation. Furthermore, the Court finds it is in the best interest of the Defendants, Xcentric and Magedson, to have their Counsel available to them during the mediation. Therefore, the Court finds good cause to allow Counsel,

Maris Crimi Speth, permission to appear by phone in an effort to provide the Defendants appropriate representation.

Accordingly, it is now

ORDERED:

The Unopposed Motion to Allow Telephonic Mediation (Doc. #143) is **GRANTED**. Maria Crimi Speth, as Counsel for the Defendants, Xcentric and Ed Magedson, as well as the Defendant, Mr. Magedson, shall have permission to appear via telephone for the scheduled mediation conference.

DONE AND ORDERED at Fort Myers, Florida, this 19th day of September, 2007.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record