

**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 is before the Court on Plaintiff's Motion for Additional Discovery Time Pursuant to Rule 56(f), Federal Rules of Civil Procedure to Respond to Defendant's Motion for Summary Judgment and Incorporated Memorandum of Law (Doc. No. 119; Motion) filed on June 26, 2007, as well as Plaintiff's Supplement to Motion for Additional Discovery Time Pursuant to Rule 56(f), Federal Rules of Civil Procedure to Respond to Defendants' Motion for Summary Judgment¹ (Doc. No. 139; Supplement) filed on August 22, 2007. On September 10, 2007, Plaintiff filed its response to Defendants' motion for summary judgment. See Response to Defendants' Motion for Summary Judgment and, Alternatively,

¹ The Court notes that counsel for Plaintiff incorrectly filed this Supplement as a "motion" to supplement its previously filed Motion. As this document is actually a supplement to the prior Motion and not a separate motion seeking relief from the Court, the Clerk of the Court will be directed to terminate it.

Motion for Reconsideration Re: Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction and Motion for Sanctions and Incorporated Memorandum of Law (Doc. No. 141).

Accordingly, it is **ORDERED**:

1. Plaintiff's Response to Defendants' Motion for Summary Judgment and, Alternatively, Motion for Reconsideration Re: Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction and Motion for Sanctions and Incorporated Memorandum of Law (Doc. No. 141) is deemed timely filed.

2. Plaintiff's Motion for Additional Discovery Time Pursuant to Rule 56(f), Federal Rules of Civil Procedure to Respond to Defendant's Motion for Summary Judgment and Incorporated Memorandum of Law (Doc. No. 119) is **DENIED as MOOT**.

3. The Clerk of the Court is directed to **TERMINATE** Plaintiff's Supplement to Motion for Additional Discovery Time Pursuant to Rule 56(f), Federal Rules of Civil Procedure to Respond to Defendants' Motion for Summary Judgment (Doc. No. 139), as it was incorrectly filed as a motion.

DONE AND ORDERED at Fort Myers, Florida, this 5th day of October, 2007.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record