

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

WHITNEY INFORMATION NETWORK,
INC.,

Plaintiff(s),

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

v.

XCENTRIC VENTURES, LLC., et al.,

Defendant(s).

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MEDIATION REPORT

In accordance with the Court's mediation order(s), a mediation conference was held on September 20, 2007, and the results of that conference are indicated below:

- (a) The following individuals, parties, corporate representatives, and/or claims professionals attended and participated in the mediation conference, and each possessed the requisite authority:

 X All individual parties and their respective trial counsel.

 X Designated corporate representatives.

 Required claims professionals.

- (b) The following individuals, parties, corporate representatives, and/or claims professionals failed to appear and/or participate as ordered:

 N/A

- (c) The outcome of the mediation conference was:

 The case has been completely settled. In accordance with Local Rule 9.06(b), lead counsel will promptly notify the Court of settlement in

accordance with Local Rule 3.08 by the filing of a settlement agreement signed by the parties and the mediator within ten (10) days of the mediation conference.

The case has been partially resolved and lead counsel has been instructed to file a joint stipulation regarding those claims which have been resolved within ten (10) days. The following issues remain for this Court to resolve:

The conference was continued with the consent of all parties and counsel. The mediation conference will be held on a date certain not later than ten (10) days prior to the scheduled trial date. Any continuance beyond that time must be approved by the presiding Judge. Mediation Reports will be filed after additional conferences are complete.

X The parties have reached an impasse.

Done this 19th day of October, 2007, in Tampa, Florida.

/s/ Jonathan C. Koch
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CERTIFICATE OF SERVICE

Copies of this Mediation Report were served on counsel of record via the Court's electronic service and otherwise as necessary via United States Mail this 19th day of October, 2007.

/s/ Jonathan C. Koch