

**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 CAUSE is before the Court on Defendants' Motion for Leave to File Reply Brief in Support of Defendants' Summary Judgment and Request for Oral Argument on Defendants' Motion for Summary Judgment (Dkt. No. 144; Motion), which was filed on September 14, 2007. Plaintiff has filed a response in opposition to the Motion. See Response to Defendants' Motion for Leave to File Reply Brief in Support of Defendant's Summary Judgment and Request for Oral Argument (Dkt. No. 147; Response), filed on September 27, 2007.

In the Motion, Defendants argue that "[w]ithout a reply, this Court may be misled by the inaccurate citations and inadmissible materials proffered by Plaintiff" in its Response to Defendants' Motion for Summary Judgment and, Alternatively, Motion for Reconsideration Re: Motion to Dismiss Plaintiffs' First Amended Complaint for Lack of Personal Jurisdiction

and Motion for Sanctions and Incorporated Memorandum of Law (Dkt. No. 141). See Motion at 1. Defendants also assert that they will submit an affidavit from Dickson Woodward which will disclose several critical points regarding the deposition that Plaintiff submitted in support of its response to Plaintiff's motion for summary judgment. See id. at 3. In addition, Defendants ask the Court to set this matter for oral argument. See id. at 4. After due consideration, it is **ORDERED**:

1. Defendants' Motion for Leave to File Reply Brief in Support of Defendants' Summary Judgment and Request for Oral Argument on Defendants' Motion for Summary Judgment (Dkt. No. 144) is **GRANTED, IN PART, and DENIED, IN PART**.

a. To the extent that Defendants seek leave to file a reply, the Motion is **GRANTED**.

b. To the extent that Defendants request that this matter be set for oral argument, the Motion is **DENIED WITHOUT PREJUDICE**.

2. Defendants shall file their reply, which shall not exceed 5 pages in length, and the affidavit of Dickson Woodward on or before **February 12, 2008**.

DONE AND ORDERED at Fort Myers, Florida, this 6th day of February, 2008.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record