

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

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

WHITNEY INFORMATION
NETWORK, INC., a Colorado corporation,

Plaintiff,

v.

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

Defendants.

**JOINT MOTION FOR ENLARGEMENT
OF TIME TO FILE PROPOSED JURY INSTRUCTIONS; EXHIBIT LISTS;
VERDICT FORM; VOIR DIRE QUESTIONS**

Plaintiff, WHITNEY INFORMATION NETWORK, INC., (“WHITNEY”),
jointly with Defendants, XCENTRIC VENTURES, LLC.,
BADBUSINESSBUREAU.ORG, and ED MAGEDSON, by and through its undersigned
counsel, moves for an additional enlargement of time, until and including February 11,
2008, to file proposed Jury Instructions, Exhibit Lists, Verdict Form, and Voir Dire
Questions, and state the following:

1. Pursuant to the Court’s Order Granting the parties Joint Motion for
Enlargement of Time to file the Joint Pretrial Stipulation, Exhibit and Witness Lists,
Proposed Jury Instructions, Exhibit Lists, Verdict Form and Voir Dire Questions, filed
February 5, 2008, the parties were to file the aforementioned documents on February 6,
2008.

2. Contemporaneous with the filing of this Motion for Enlargement of Time,

the parties will be filing the Joint Pretrial Stipulation and Witness Lists.

3. However, the parties seek a brief enlargement of time, until and including February 11, 2008, within which to submit the proposed Jury Instructions, Exhibit Lists, Verdict Forms, and Voir Dire Questions. The grounds for this additional enlargement of time are that the parties have been working diligently to resolve as many issues as possible to ensure that the issues are streamlined and limit the amount of work to be required to be done by this Court.

4. This motion is made in good faith and not for purposes of delay.

5. The parties jointly seek this relief.

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 the parties to file their Amended Complaint. The Joint Motion clearly sets forth a good faith basis for granting this enlargement. The parties are not engaging in any type of delay tactic that would warrant denial of this Motion. The parties jointly respectfully request that the Court exercise its discretion and permit the requested enlargement for the good cause stated herein.

WHEREFORE, Plaintiff, WHITNEY INFORMATION NETWORK, INC, jointly with Defendants, XCENTRIC VENTURES, LLC., BADBUSINESSBUREAU.ORG, and ED MAGEDSON, respectfully requests that this Court grant this unopposed motion and enter an Order enlarging the time to file the Joint Pretrial Stipulation, Exhibit and Witness Lists, Proposed Jury Instructions, Exhibit Lists, Verdict Form and Voir Dire Questions.

Dated: February 6, 2008.

Respectfully submitted,

By: /s/ Shawn L. Birken

Scott W. Rothstein

Florida Bar No.: 765880

Steven N. Lippman

Florida Bar No.: 709638

Shawn L. Birken

Florida bar No.: 418765

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2008, I electronically filed the forgoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day upon all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Shawn L. Birken

Shawn L. Birken