

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

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

WHITNEY INFORMATION
NETWORK, INC., a Colorado corporation,

Plaintiffs,

v.

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

Defendants.

_____ /

PLAINTIFF’S PROPOSED VOIR DIRE QUESTIONS FOR TRIAL

Plaintiff, by and through undersigned counsel, and in accordance with the Court’s Order Providing Instructions for Jury Trial, files this, its list of proposed Voir Dire Questions and states as follows:

General Background Questions

1. Does anyone know:
 - Steven N. Lippman?
 - Shawn L. Birken?
 - Ron Simon?
 - Whitney Information Network, Inc.?
 - Ed Magedson?
 - Xcentric Ventures, LLC?
 - Ben Smith?

Maria Speth?

Adam Kunz?

2. Does anyone know anyone who works for Rothstein Rosenfeldt Adler in Fort Lauderdale, FL?
3. Does anyone know anyone who works for Maria Speth, Adam Kunz, or any member of the Law Firm, Jaburg & Wilk PC?
4. Does anyone know or have any relationship with any of the potential witnesses in this case?
 - . Ed Magedson
 - Dickson Earl Woodard
 - Jeff LeJune
 - Ben Smith
 - Ron Simon
5. WIN is suing the Defendants for defamation.
6. How do you feel about a person making a claim for injuries that it sustained because it believes that it was unlawfully defamed?
7. How many of you believe that a company has the right to sue if it was defamed?
8. Do any of you have any feelings, one way or the other, about an entity protecting its reputation and suing someone that has defamed it?
9. Does anyone here have any special knowledge or expertise in dealing with defamation claims?
10. Have any of you, or your close friends or relatives ever been a party to a lawsuit or to a legal proceeding?
11. Tell me about that. Who was involved and what were the circumstances leading up to it?

12. Can you describe the claims that were made by _____ against _____ in that proceeding?
13. Without naming names, tell me about the parties who either made the claims or whom the claims were made against.
14. Was there a trial, or was the matter resolved without a trial?
15. What was the outcome of the lawsuit?
16. Have any of you or any of your close friends or relatives ever been a witness in a lawsuit?
17. Tell me about that.
18. Was your or their attendance in Court voluntary, or was it as the result of being served with a subpoena?
19. Who requested the testimony?
20. Basically, what type of testimony was given?
21. How did the testimony support the claims?
22. What was the outcome of the lawsuit?
23. Considering all of the circumstances, how do you feel about the outcome of that lawsuit?
24. How did that experience make you feel about the legal system and about trials and about other proceedings that the legal system uses to decide disputes?
25. How do you think that this experience will affect the way that you look at WIN's claim for defamation in this case?
26. Does anyone have a problem in that you would feel uncomfortable making a decision in this case, wherein you may not have certainty, but rather, a preponderance; what is more likely than not?

27. Have any of you ever served as a juror in a civil case?
28. Tell me about that experience:
29. What was the lawsuit about?
30. How long did the trial last?
31. Did the case go to the jury, or did it settle before that?
32. How long did the jury deliberate?
33. What was the verdict?
34. By what vote was the verdict reached?
35. What do you think was the decisive factor in that case?
36. Those of you who have sat as jurors before in a civil case, considering all of the circumstances, how do you feel about the outcome of that lawsuit?
37. How did that experience make you feel about the legal system, and about trials?
38. How do you think that your experience will affect the way that you look and react to WIN's claim for defamation?
39. Have you ever been a business owner who employed employees? Please describe.
40. Have you, or a family member or close friend ever been employed by Whitney Information Network? Have you, or a family member or close friend ever conducted business with Whitney Information Network?
41. Have you or a family member, or close friend ever done business with Xcentric Ventures? Have you, a family member, or close friend ever used or accessed the website RipoffReport.com?

General Questions about legal issues concerning this case

42. Does everyone agree to follow the law as the Judge instructs, even if you disagree?

43. Is there anything about your understanding of the facts of this case, or anything we have discussed during jury selection that causes you to favor one side over the other?

44. Does everyone agree to wait until all evidence has been presented before deciding this case?

45. If the evidence shows that WIN has satisfied all the elements of her claims, is anyone offended by the fact that you will be asked to award WIN a significant sum of money?

46. Based upon the information obtained during jury selection, is there anything about your life experience that will affect your ability to be fair and impartial in this case?

47. Does anyone have questions about the job you will be required to do if selected as a juror in this case?

48. Does anyone have a problem in that you would feel uncomfortable making a decision in this case, wherein you may not have certainty, but rather, a preponderance; what is more likely than not?

General questions concerning lifestyle

49. Does anyone here have an opinion about lawyers in general?

50. Does anyone have any favorite TV shows you watch on a regular basis? What do you like about it?

51. Does anyone here routinely access the internet? What are your favorite websites?

52. Does anyone believe everything they read on the internet? How do you know what to believe?

Dated: February 11, 2008.

Respectfully submitted,

By: /s/ Shawn L. Birken
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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 11th 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