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

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.

Case No: 2:04-CV-47-ftm-29

**NOTICE OF ADDITIONAL DEFENSE
 EXHIBIT AFTER FILING OF JOINT
 PRETRIAL STATEMENT PURSUANT
 TO LOCAL RULE 3.06(e), AND
 MOTION FOR ORDER ALLOWING
 EXHIBIT IN FURTHERANCE OF
 JUSTICE**

Xcentric Ventures, LLC, (“Xcentric”), and Ed Magedson (“Magedson”) (collectively, the “Defendants”) give notice of an additional Defense Exhibit added after the filing of the Joint Pretrial Memorandum.

Exhibit 318 is a CNN video news story by Gregg Hunter about Plaintiff, Whitney Information Network, Inc. (“WIN”). This news story was first published today.

(See <http://www.cnn.com/video/#/video/us/2008/02/14/hunter.millionaire.university.cnn>)

The report demonstrated WIN’s public reputation, past, present, and future. The video includes segments of interview with Florida’s Attorney General, Bill McCollum, in which Mr. McCollum explains how WIN “rips off” consumers.

Pursuant to Local Rule 3.06(e), this exhibit can be added upon order of the Court in furtherance of justice. It would further justice to use this news story as evidence at

trial even though it was not on the exhibit list because the news story was not available to Defendants until today. Further, the news story accurately and succinctly reflects WIN's reputation prior to the release of the report, and as news story prepared and released by one of the nation's most prominent news agencies, it defines WIN's reputation in the future. Conversely, it would be completely unjust to conduct a trial without considering how this report both confirms and continues WIN's national reputation, when WIN accuses defendants of damaging WIN's reputation by some text postings on a webpage for consumer complaints and when the news story did not exist until today and, thus, could not have been included in the previous exhibit list.

For the reasons stated, Defendants request an order allowing Exhibit 318 to be presented at trial. I certify that my associate conferred with opposing counsel about this issue, and opposing counsel stated their intention to object to including Exhibit 318.

DATED February 14, 2008.

By: /s/ Maria Crimi Speth
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th 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.

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