

**FILED**

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

2004 AUG 16 PM 1:50

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT MYERS DIVISION

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

WHITNEY INFORMATION  
NETWORK, INC., a Colorado corporation,  
and RUSS WHITNEY, an individual,

Plaintiffs,

v.

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

Defendants.

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**NOTICE OF FILING**

Plaintiffs, WHITNEY INFORMATION NETWORK, INC. and RUSS WHITNEY, by and through their undersigned counsel, hereby give notice of the filing of the Original Affidavit of Scott Durkin in Support of Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction.

Respectfully submitted,


By: 

Scott W. Rothstein, Esq.  
FBN: 765880  
Christina M. Kitterman, Esq.  
FBN: 595381  
ROTHSTEIN ROSENFELDT  
**Counsel for Plaintiffs**  
300 Las Olas Place, Suite 860  
300 S.E. Second Street  
Fort Lauderdale, Florida 33301  
Tele: 954/522-3456  
Fax: 954/527-8663  
E-Mail: srothstein@rrdplaw.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail and facsimile, this 12<sup>th</sup> day of August, 2004, to: James A. Weinkle, Defendants' Trial Counsel, Wachovia Financial Center, Suite 3400, 200 South Biscayne Boulevard, Miami, Florida, 33131-5323, Maria Crimi Speth, Defendants' of counsel, Jaburg & Wilk PC, 3200 North Central Avenue, Suite 2000, Phoenix, Arizona 85012, Jonathan P. Ibsen, 7047 East Greenway Parkway, Suite 140, Scottsdale, Arizona 85254.

ROTHSTEIN ROSENFELDT

By:   
\_\_\_\_\_  
Scott W. Rothstein, Esq.  
Christina M. Kitterman, Esq.