

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION

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

CASE NO. 2:04-cv-47-FtM-29-SPC

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 ERRATA**

Counsel undersigned hereby files this Notice of Errata for the reason that *Defendants' Second Motion to Dismiss - Failure to State a Claim With Supporting Memorandum of Law* filed on September 21, 2004, docket number 26, was improperly titled *Defendants' Second Motion to Dismiss Complaint for Lack of Personal Jurisdiction With Supporting Memorandum of Law*.

While the motion, in fact, is the first Motion to Dismiss for Failure to State a Claim, it is titled "Second" to comport with the naming conventions of the ECF System. Further, the title erroneously referenced "Personal Jurisdiction" because that was the title of the previous motion that had been filed in the case.

Accordingly, undersigned requests that the document be re-titled on the docket, and that the annexed Motion reflecting the appropriate name be substituted in its place.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of September, 2004.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 27, 2004, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participants::

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I further certify that on September 28, 2004, I mailed the foregoing document and notice of electronic filing to the foregoing attorneys.

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