

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

WHITNEY INFORMATION NETWORK, INC.
and RUSS WHITNEY,

Plaintiffs,

-vs-

Case No. 2:04-cv-47-FtM-33SPC

XCENTRIC VENTURES, LLC;
BADBUSINESSBUREAU.ORG; and ED
MAGEDSON,

Defendants.

ORDER

_____ This matter comes before the Court on the Plaintiff's Unopposed Motion for an Enlargement of Time to Respond to Defendants' Second Motion to Dismiss for Failure to State a Claim Pending a Ruling By the Court on Plaintiff's Motion to Strike (Doc. #29) filed on October 13, 2004. Counsel requests a twenty (20) day enlargement of time to file a response to the Defendant's Second Motion to Dismiss (Doc. #26) after the Court rules upon a Motion to Strike the Motion to Dismiss (Doc. #28).

On September 21, 2004, the Defendants filed a Second Motion to Dismiss the Complaint for Failure to State a Claim (Doc. #26). Pursuant to Fed. R. Civ. P. 12(f), a response is due on or about October 17, 2004. The Plaintiffs filed a Motion to Strike the Second Motion to Dismiss (Doc. #28) with the instant motion and contend that an enlargement of time until the Court rules on the Motion to Strike is necessary to conserve resources. Pursuant to Local Rule 3.01, Counsel for the parties

have conferred and agree to the relief requested. The Court, having reviewed the motion, finds good cause and will grant the extension of time.

Accordingly, it is now

ORDERED:

The Plaintiff's Unopposed Motion for an Enlargement of Time to Respond to Defendants' Second Motion to Dismiss for Failure to State a Claim Pending a Ruling By the Court on Plaintiff's Motion to Strike (Doc. #29) is **GRANTED**. The Plaintiff's shall have **twenty (20) days** from the date the Court rules on the pending Motion to Strike (Doc. #28).

DONE AND ORDERED at Fort Myers, Florida, this 14th day of October, 2004.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies:
Counsel of record
DCLC
DCCD