

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

2004 NOV -1 PM 2: 23

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

CLERK OF THE DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT MYERS DIVISION

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.

NOTICE OF UNAVAILABILITY

NOTICE IS HEREBY GIVEN that the undersigned will be absent from the jurisdiction from February 28, 2005 through March 4, 2004, and respectfully requests that no hearings, depositions, trials or other matters be set during that time.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this 21st day of October, 2004, to: Tina M. Talarchyk, 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.

Respectfully submitted,

ROTHSTEIN ROSENFELDT

Counsel for Plaintiffs

300 Las Olas Place, Suite 860

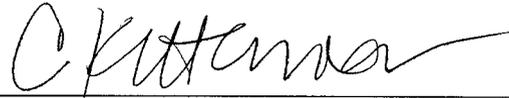
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