

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

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

Plaintiffs,

Case No.: 2:04-cv-00047-FtM-VMC-SPC

v.

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

Defendants.

**UNOPPOSED MOTION FOR SUBSTITUTION
OF COUNSEL FOR DEFENDANTS**

Defendants, XCENTRIC VENTURES, LLP, an Arizona limited liability company, BADBUSINESSBUREAU.ORG, an Arizona limited liability company, and ED MAGEDSON, an individual, by and through its undersigned counsel and pursuant to Local Rule 2.03(b) of the Local Rules of the Middle District of Florida, respectfully moves the Court to enter an Order substituting the firm of SHUTTS & BOWEN LLP and attorney Michael L. Gore in place of DUANE MORRIS LLP and attorney Tina M. Talarchyk as counsel for the Defendants in this action and providing that DUANE MORRIS LLP and Tina M. Talarchyk shall have no further obligations or responsibilities in connection with this

action. Michael L. Gore, Esquire and SHUTTS & BOWEN LLP have filed a notice of appearance on behalf of Defendants contemporaneously with the filing of this motion.

CERTIFICATION PURSUANT TO LOCAL RULE 3.01(g)

Undersigned counsel have conferred with counsel for the Plaintiffs in this action, and represent that counsel for the Plaintiffs have no objection to the substitution of counsel as requested herein.

Dated this 4th day of February, 2005.

DUANE MORRIS, LLP

By: /s/ Tina M. Talarchyk

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th of February, 2005, 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:

Scott W. Rothstein, Esquire
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/s/ Michael L. Gore

Of counsel