

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

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.

**PLAINTIFF'S CORRECTED UNOPPOSED MOTION FOR ENLARGEMENT
OF TIME TO FILE ITS AMENDED COMPLAINT**

Plaintiff, WHITNEY INFORMATION NETWORK, INC., ("WHITNEY"), by and through its undersigned attorney files this, its Motion for a ten (10) day Enlargement of Time to File its Amended Complaint, and states the following:

1. In or about June 2003, Plaintiff filed a Complaint alleging breach of contract with respect to a Non-Disclosure and Non-Competition Agreement entered into by and between Plaintiff, WHITNEY, and Defendant, as well as Defendant's willful misappropriation of Plaintiff, WHITNEY'S, proprietary materials and customer lists in violation of Florida's Uniform Trade Secrets Act.
2. On July 14, 2005, this Court granted Defendants' Motion to Dismiss, without prejudice, and dismissing the case.
3. On July 28, 2005, Plaintiff filed a Motion for Reconsideration, or in the Alternative, Clarification.

4. On August 3, 2005, this Court granted Plaintiff's Motion, in part, and allowed for Plaintiff to file an Amended Complaint within ten (10) days, making the Amended Complaint to be filed on August 17, 2005.

5. Plaintiff now seeks a ten (10) day enlargement of time to file the Amended Complaint.

6. Plaintiff seeks an enlargement of time to file its Amended Complaint.

7. Plaintiff's law firm has recently implemented a new entirely new computer system, including filing and scheduling which has resulted in several computer delays and errors.

8. Additionally, as this case involves complex issues of fact and law, Plaintiff needs time to properly determine the proper cause of action Defendants' actions fall under.

9. This motion is made in good faith and not for purposes of delay.

10. Plaintiff will be unfairly prejudiced should this motion be denied.

11. Plaintiff certifies that Counsel for Defendant has been contacted and does not oppose this Motion for ten (10) day enlargement of time.

MEMORANDUM OF LAW

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, this Court "for cause shown may at any time in its discretion" enlarge the time permitted by the Rules for the parties to file their Amended Complaint. Plaintiff's Motion clearly sets forth a good faith basis for granting this enlargement. Plaintiff is not engaging in any type of delay tactic that would warrant denial of this Motion. Plaintiff respectfully requests that the Court exercise its discretion and permit the requested enlargement for the good cause stated herein.

WHEREFORE, Plaintiff, WHITNEY INFORMATION NETWORK, INC, respectfully requests that this Court grant this unopposed motion and enter an Order enlarging the time to file Plaintiff's Amended Complaint.

Dated: August 17, 2005.

Respectfully submitted,

By: /s/ Christina M. Kitterman

Scott W. Rothstein, Esq.

FBN: 765880

Christina M. Kitterman, Esq.

FBN: 595381

ROTHSTEINROSENFELDT ADLER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this 19th day of August, 2005, to: James A. Weinkle, Wachovia Financial Center, Suite 3400, 200 South Biscayne Boulevard, Miami, FL 33131-5323; Maria Crimi Speth, Esq. 3200 North Central Avenue, Suite 2000, Phoenix, AZ 85012; Jonathan P. Ibsen 7047 East Greenway Parkway, Suite 140, Scottsdale, AZ 85254.

ROTHSTEIN ROSENFELDT ADLER

By: /s/ Christina M. Kitterman
Scott W. Rothstein, Esq.
Christina M. Kitterman, Esq.