

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

Case No. 2:04-cv-47-FtM-29 SPC

WHITNEY INFORMATION  
NETWORK, INC., a Colorado corporation,

Plaintiff,

v.

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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**PLAINTIFF'S UNOPPOSED MOTION FOR ENLARGEMENT  
OF TIME TO RESPOND TO MOTION TO DISMISS**

Plaintiff, WHITNEY INFORMATION NETWORK, INC., (“WHITNEY”), by and through its undersigned counsel, moves for an enlargement of time, until and including November 18, 2005, to respond to Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint for Lack of Personal Jurisdiction, and states the following:

1. Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint for Lack of Personal Jurisdiction was electronically filed and served on counsel for Plaintiff on October 21, 2005. However, due to Hurricane Wilma, the undersigned’s Fort Lauderdale office was closed the entire week of October 24, 2005. As a result of the office closure, the undersigned did not receive the Motion to Dismiss until Monday, October 31, 2005.

2. Plaintiff’s response to the Motion to Dismiss is otherwise due to be served or about November 9, 2005. However, due to the one week office closure, and the

resulting backlog of deadlines on other matters caused by the hurricane, Plaintiff seeks an enlargement of time to serve the response, until and including Friday, November 18, 2005.

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

4. None of the parties will be prejudiced by the granting of the relief sought herein, and Plaintiff will be unfairly prejudiced should this motion be denied.

5. Plaintiff's undersigned counsel certifies that Counsel for Defendant has been contacted and does not oppose this motion for 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 respond to Defendants' Motion to Dismiss.

Respectfully submitted,

By: /s/ Michael A. Pancier  
for Scott W. Rothstein, Esq.  
FBN: 765880  
Christopher C. Sharp, Esq.  
FBN: 996858  
ROTHSTEINROSENFELDT ADLER  
**Counsel for Plaintiffs**  
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300 S.E. Second Street  
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Tele: 954/522-3456

Dated: November 9, 2005

Fax: 954/527-8663

E-Mail: [srothstein@rrdplaw.com](mailto:srothstein@rrdplaw.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this 9<sup>th</sup> day of November, 2005, to: Maria Crimi Speth, Esq., Jaburg & Wilk, P.C., Counsel for Defendants, 3200 North Central Avenue, Suite 2000, Phoenix, AZ 85012.

ROTHSTEIN ROSENFELDT ADLER

By: /s/ Michael A. Pancier  
for Scott W. Rothstein, Esq.  
Christopher C. Sharp, Esq.