

**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.

**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 additional enlargement of time, until and including November 22, 2005, to respond to Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint for Lack of Personal Jurisdiction, and states the following:

1. Pursuant to the Court’s Order Granting Plaintiff’s Unopposed Motion for Enlargement of Time to Response to Motion to Dismiss, filed November 9, 2005, Defendant’s response to the Motion to Dismiss is currently due November 18, 2005.

2. Plaintiff now seeks an additional enlargement of time, until and including November 22, 2005, within which to submit the response. The grounds for this additional enlargement of time are that the primary attorney assigned to draft the response, Christopher C. Sharp, was unexpectedly required to participate in a trial the

week of November 14, 2005, in the matter of *Edith Randall v. Community Blood Centers of South Florida, Inc.*, case No. 02-015485-25 (17th Judicial Circuit, Broward County, Florida). Mr. Sharp was required to attend the trial because the mother of the partner trying the *Randall* case, Stuart Rosenfeldt, Esq., died on November 16, 2005, and Mr. Rosenfeldt could not complete the trial.

3. Due to Mr. Sharp's participation in the trial on behalf of Mr. Rosenfeldt, Plaintiff's response to the Motion to Dismiss could not be completed by the current deadline of November 18, 2005. Plaintiff therefore seeks until and including November 22, 2005, within which to file the response

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

5. 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.

6. Plaintiff's undersigned counsel certifies that he has attempted to contact Counsel for Defendant by telephone and email to determine Defendants' position on this motion, and that such attempts were unsuccessful.

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, in that the primary attorney assigned to this case was unexpectedly required to attend a trial for one of his colleagues whose mother passed away. 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/ Christopher C. Sharp

Scott W. Rothstein, Esq.

FBN: 765880

Christopher C. Sharp, Esq.

FBN: 996858

ROTHSTEINROSENFELDT ADLER

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Dated: November 18, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, this 18th 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/ Christopher C. Sharp

Scott W. Rothstein, Esq.

Christopher C. Sharp, Esq.