

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

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CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS, FLORIDA

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

**CASE NO. 2:04-cv-47-FtM-29-SPC**

**Plaintiffs,**

vs.

**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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**DEFENDANTS'S NOTICE OF FILING  
AFFIDAVIT OF ED MAGEDSON IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS COMPLAINT FOR LACK OF  
PERSONAL JURISDICTION WITH SUPPORTING MEMORANDUM OF LAW**

Defendants XCENTRIC VENTURES, LLC, an Arizona limited liability company ("Xcentric"), BADBUSINESSBUREAU.ORG, an Arizona limited liability company ("badbusinessbureau.org"), and ED MAGEDSON ("Magedson"), through their undersigned counsel, hereby give notice of filing the Affidavit of Ed Magedson in Support of Defendants' Motion to Dismiss Complaint for Lack of Personal Jurisdiction

with Supporting Memorandum of Law.

Dated: June 28, 2004.

Of Counsel:

**DUANE MORRIS LLP**


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Xcentric Ventures, LLC, ,  
[badbusinessbureau.org](http://badbusinessbureau.org), and  
Ed Magedson

By:

  
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Attorneys for Defendants  
Xcentric Ventures, LLC,  
[badbusinessbureau.org](http://badbusinessbureau.org), and  
Ed Magedson

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing and attached affidavit was served by facsimile and United States Mail on June 28, 2004 upon:

Scott W. Rothstein, Esq.  
Alan D. Cappello, Esq.  
Christina M. Kitterman, Esq.  
ROTHSTEIN, ROSENFELDT, DOLIN &  
PANCIER, P.A.  
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Telephone: 954.522.3456  
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By:   
James A. Weinkle

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

**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.

Case No: 2:04-CV-47-fjm-2B-SPC

**AFFIDAVIT OF EDWARD MAGEDSON**

State of Arizona }  
County of Maricopa } ss.

I, Edward Magedson, declare under penalty of perjury as follows:

1. I am a resident of the State of Arizona.
2. I neither reside, nor have I ever resided in the State of Florida.
3. The only time I spent in the State of the Florida was in or about the years 1972 and 1973 for vacation and operating a flower business.
4. I do not own any assets in the State of Florida. I sold my flower business in or about 1974. I have not owned any assets in Florida since that time.
5. I have not been to the State of Florida since 1973.

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ATTORNEY AT LAW  
SCOTTSDALE, ARIZONA 85258  
TEL (480) 974-1111

6. I am personally familiar with the policies and the practices of Xcentric Ventures and Badbusinessbureau.org.
7. Xcentric is an Arizona limited liability company which neither transacts any business, has any agents, nor maintains any offices in Florida.
8. Xcentric merely operates a website which allows consumers the ability to post complaints against companies with which they have done business.
9. The website contains over 90,000 reports and the operators of the website cannot monitor all of these reports.
10. Badbusinessbureau.org was an Arizona Corporation that never even published Articles of Incorporation and was administratively dissolved. It has no involvement in the website at issue and it has never transacted business anywhere, including in the state of Florida.

Edward Magee

6-26-04  
Date:

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