

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CoSTAR REALTY INFORMATION, INC.,
22 Bethesda Metro Center, 10th Floor
Bethesda, Maryland 20814

and

CoSTAR GROUP, INC.
2 Bethesda Metro Center, 10th Floor
Bethesda, Maryland 20814

Plaintiffs,

v.

CIVIL ACTION NO. AW -08-663

Mark Field d/b/a Alliance
Valuation Group
2858 Via Bellota
San Clemente, California 92673,

LAWSON VALUATION GROUP, INC.
8895 N. Military Trail, Suite 304E
Palm Beach Gardens, Florida 33410-6263,

RUSS A. GRESSETT
5625 FM 1960 West, Suite 509
Houston, Texas 77069,

GERALD A. TEEL COMPANY, INC.
974 Campbell Rd., Suite 204
Houston, Texas 77024-2813, and

PATHFINDER MORTGAGE COMPANY
23172 Plaza Point Dr., Suite 285
Laguna Hills, California 92653,

and

JOHN DOES 1-4
Addresses Currently Unknown

Defendants.

**DEFENDANT, RUSS A. GRESSETT'S
MOTION FOR ENLARGEMENT OF TIME**

Defendant, Russ A. Gressett ("Gressett"), by and through his undersigned counsel, and pursuant to FED. R. CIV. P. 6(b) and applicable Local Rules, hereby files this instant Motion for Enlargement of Time to file its Reply to Plaintiffs' Response in Opposition to Gressett's Motion to Dismiss Amended Complaint, and in support thereof, states as follows:

1. On or about March 13, 2008, Plaintiff commenced this action against, amongst others, Gressett.

2. Gressett was served with the Complaint on or about March 24, 2008. As such, Gressett's response to the complaint was due April 14, 2008.

3. On or about April 3, 2008, Plaintiff served an Amended Complaint adding a Defendant to this action.

4. Gressett filed a Motion to Dismiss for Lack of Jurisdiction Motion to Dismiss and Motion to Transfer Case on May 1, 2008.

5. Plaintiffs' Response in Opposition to Gressett's Motion was filed on May 19, 2008.

6. The Court granted a prior Motion to Enlarge Time that was unopposed, and Gressett's Reply to Plaintiff's Response in Opposition was due June 16, 2008.

7. Unfortunately, Gressett's lead counsel, Mary Olga Lovett, was called away the morning of June 16, 2008, because her uncle, for whom she is the medical power of attorney, was emergently transported to the hospital. He died on the morning this Motion is filed. *See Affidavit and Verification of Christopher C. Miller*, attached hereto as **Exhibit A**.

8. While this emergency alone would have made it impossible for the Reply to be filed on June 16, 2008, the deadline had also been mistakenly calendared by Gressett's counsel's office. *Id.* The Unopposed Motion for Extension of Time had been granted by paperless order. Therefore,

Gressett's counsel's office relied on information found in the Court's CM/ECF system for "Deadlines/Hearings," and calendared the Reply deadline for June 17, 2008. *Id.* Christopher Miller, an associate of Gressett's law firm, called the Court on June 17, 2008, to discuss an extension of time for the Reply that going to be requested based on Ms. Lovett's family emergency, and it is at that time it was first learned the Reply deadline was, in fact, June 16, 2008. *Id.* According to Court personnel, it is the District Clerk's staff who make entries on the "Deadline/Hearings" page of the Court's CM/ECF system not the Court's personnel. *Id.* As such, any Reply deadline reflected would not or may not be accurate. Therefore, both because of his lead counsel's family emergency and because of Gressett counsel's misunderstanding of the information contained in the Court's ECF system, the mistake in calendaring the Reply deadline was not discovered until June 17, 2008 and no Reply was filed.

8. For these reasons, Gressett respectfully requests an extension to June 20, 2008, in order to file his Reply to Plaintiff's Response in Opposition to the Motion to Dismiss. This will allow Gressett's counsel to resolve her family matter and allow time for her to properly confer with her client to finalize a Reply to Plaintiff's Response in Opposition.

9. Plaintiff will not be prejudiced by the relief sought herein. It will require no delay or only a very minimal delay in any hearing on the Motion. Conversely, if the relief sought herein is not granted, Gressett will be substantially prejudiced in that he and his counsel will be unable to adequately prepare and file a Reply and respond to the numerous and complex allegations contained in Plaintiff's Response in Opposition. The extension is being sought in good faith and not for the purposes of delay alone but so that justice may be done.

10. On June 17, 2008, Christopher Miller, of the undersigned law firm conferred with Plaintiff's counsel, William Sauers regarding the relief sought herein and the reasons therefore. Plaintiff's counsel indicated his client could not consent to the relief sought.

11. Gressett's proposed order is attached hereto as **Exhibit B**.

WHEREFORE, Defendant Gressett respectfully requests that this Court enter an Order granting it an extension of time until June 20, 2008, to file its Reply to the above referenced opposition papers, and awarding Gressett such further relief as is necessary, just and proper.

Respectfully Submitted,

GREENBERG TRAUIG, L.L.P.

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**ATTORNEYS FOR DEFENDANT
RUSS A. GRESSETT**

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Christopher C. Miller
Christopher C. Miller

SERVICE LIST

CoStar Realty Information, Inc., et al v. Mark Field d/b/a Alliance Valuation Group, et al.

Case No. 8:08-CV-00663-AW

United States District Court, District of Maryland (Greenbelt Division)

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