

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, Colorado 80202</p>	<p>FILED Document CO Denver County District Court 2nd JD Filing Date: Feb 16 2007 2:13PM MST Filing ID: 13840299 Review Clerk: Tina Brown</p>
<p>Plaintiff: NETQUOTE INC, a Colorado Corporation</p> <p>v.</p> <p>Defendant: MELISSA BUCHSCHACHER, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><u>Attorneys for Plaintiff</u> Christopher P. Beall, #28536 FAEGRE & BENSON LLP 3200 Wells Fargo Center 1700 Lincoln Street Denver, Colorado 80203 Telephone: (303) 607-3500 Facsimile: (303) 607-3600 E-mail: cbeall@faegre.com</p>	<p>Case Number: 2006cv11463</p> <p>Courtroom: 6 The Hon. Larry J. Naves, presiding</p>
<p>UNOPPOSED MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT</p>	

Plaintiff NetQuote Inc ("NetQuote"), through its counsel with Faegre & Benson LLP, pursuant to C.R.C.P. 15(a), moves for leave to file its Second Amended Complaint in this civil action.

In support of this motion, NetQuote states as follows:

Certificate of Conference with Counsel

1. Pursuant to C.R.C.P. 121(c), § 1-15(8), undersigned counsel for NetQuote certifies that he has conferred with counsel for Defendant Melissa Buchschacher concerning the relief requested in this motion, and Defendant does not oppose this motion.

Argument

2. NetQuote filed this civil action against certain "John Doe" defendants based on the two Internet Protocol ("IP") addresses that it had identified as being the source of the wrongful conduct that is at the heart of this case.

3. Subsequent to the filing of its initial complaint, NetQuote requested and this Court granted a commission for an out-of-state subpoena to determine the identity of the person using the particular IP addresses to submit false information to NetQuote's website. Through that subpoena, NetQuote identified Defendant Melissa Buchschacher as the party who owned the particular internet account at issue here.

4. As a result of further investigation, however, NetQuote has determined that Ms. Buchschacher appears not to be the person who used the internet account that was operated under her name, and that the real identity of the person who was using that account was Brandon Byrd, of Sandy Springs, Georgia, Ms. Buchschacher's former boyfriend and the father of her child, with whom she had separated some ten months ago.

5. In light of this new information, NetQuote seeks leave to amend the pleadings in this case to name Ms. Buchschacher's former boyfriend, Brandon Byrd, as the defendant in this action.

6. At this time, although Ms. Buchschacher has been served with process in this case, she has not yet filed a responsive pleading or a motion for summary judgment.

7. Under C.R.C.P. 15(a), the Court is required to permit amendments to the pleadings "freely," where "justice so requires."

8. In this case, because Ms. Buchschacher appears to be a victim of identity theft, and because the evidence suggests that the true party behind the wrongful conduct at issue here is Mr. Byrd, justice requires that Ms. Buchschacher be dropped from this action as a defendant and that Mr. Byrd be added.

WHEREFORE, NetQuote requests that the Court enter an order permitting NetQuote to amend its pleadings in this action and directing the Clerk to accept as filed the Second Amended Complaint that is lodged with this motion as **Exhibit A**.

A proposed order is attached.

Respectfully submitted this 16th day of February, 2007,

By /s Christopher P. Beall
Christopher P. Beall
FAEGRE & BENSON LLP

Attorneys for Plaintiff
NetQuote Inc.

THIS MOTION WAS FILED WITH THE COURT THROUGH THE LEXISNEXIS FILE-AND-SERVE ELECTRONIC FILING PROCEDURES, UNDER C.R.C.P. 121(c), § 1-26. AS REQUIRED BY THOSE RULES, THE ORIGINAL SIGNED COPY OF THIS PLEADING IS ON FILE WITH FAEGRE & BENSON LLP.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February, 2007 a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT** was placed in the United States Mail, postage prepaid, with a courtesy electronic copy by email delivery, correctly addressed to the following:

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