

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-00630-DME-MEH

NETQUOTE INC, a Colorado corporation,

Plaintiff,

v.

BRANDON BYRD, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227, and

MOSTCHOICE.COM, Inc., a Georgia corporation

Defendants.

**MOTION FOR RECONSIDERATION OF
DEFENDANTS' MOTION FOR ADDITIONAL DEPOSITIONS**

COMES NOW, Defendants in the above-styled action and herein file this Motion for Reconsideration of the Court's Denial of the Defendants' Motion for Additional Depositions and shows this Court the following:

1.

Defendants filed a motion on October 18th that included a request for additional depositions. In its motion, the defendants specifically indicated that it was attempting to prosecute its motion without having to file documents under seal.

2.

Plaintiff filed a response on November 7th purporting to assert that the defendants have

been less than diligent in pursuing discovery.

3.

After reviewing the response, it appeared to defendants that the response contained statements that were misleading, and as a consequence on November 13th defendants filed a rather extensive reply brief with evidence under seal. See Dkt.# 102- 103.

4.

The Court docketed an order denying the defendants' motion on November 14th which had been Order entered on November 13th. See Dkt.# 104.

5.

LR 7.1(c) allows a moving party 15 days to file a reply brief, which would have normally allowed the defendants until November 23rd. This same rule does allow the Court to enter an order at any time after a motion is filed, but the defendants had no notice that this was likely to occur as this was a contested, and non-routine motion for a substantial amount of additional discovery.

6.

Defendants respectfully request that the Court reconsider its previous denial of its motion for additional depositions in light of the rather substantial Reply Brief prepared and filed, which contains evidence refuting the plaintiff's arguments.

WHEREFORE, Defendants move that this Court reconsider its prior denial of defendants' motion for additional depositions in light of its timely filed reply brief.

[Signature on next page]

Dated this 21st day of November, 2007.

s/ Ryan Isenberg
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2007, I served the foregoing Motion for Reconsideration by electronic delivery, as an attachment to an email, to the following counsel of record:

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s/ Ryan Isenberg