

**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.

UNOPPOSED MOTION TO FILE REBUTTAL EXPERT REPORT

COME NOW, Defendants in the above-styled action and herein file this Unopposed Motion to File Rebuttal Expert Report and show this Court the following:

1.

Defendants filed a Motion to Exclude Plaintiff's Expert Witness to which the plaintiff responded, and further to which the defendants replied on January 18, 2008.

2.

The Magistrate previously allowed Defendants to through and including January 22, 2008 to serve its Rebuttal Expert's report upon the Plaintiff [See Minute Order Dkt.# 173].

3.

A copy of the report was delivered to counsel for Netquote on January 22, 2008.

4.

The report was not prepared or available to file along with the Defendants' Motion to Exclude Plaintiff's Expert Witness, nor was it available at the time the Reply Brief was filed.

5.

The report provides information and opinions which the Defendants contend the Court may find useful in consideration of the pending Motion to Exclude [Dkt. #155].

6.

The report has been filed under seal should the Court decide to consider it.

7.

Counsel for Plaintiff NetQuote, Inc. has informed undersigned counsel that Plaintiff does not oppose the filing of Mr. Zyla's Rebuttal Report on the condition that it be permitted to file a short Response after the deposition of Mr. Zyla on February 13, 2008.

WHEREFORE, Defendants respectfully request that this Motion be granted, that the Court consider the Rebuttal Report, and that Plaintiff be permitted to file a short response after Mr. Zyla's deposition scheduled February 13, 2008.

[Signature on next page]

This 23rd day of January, 2008.

s/ Ryan Isenberg

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CERTIFICATE OF SERVICE

I hereby certify that on January 23, I served the foregoing Motion for Leave For Consideration of Rebuttal Expert Report by electronic delivery, as an attachment to an email, to the following counsel of record:

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s/ Ryan Isenberg