

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

KLEIN & HEUCHAN, INC.,  
a Florida Corporation,

Plaintiff,

vs.

Case No.: 8-08-cv-01227-JSM-EAJ

COSTAR REALTY INFORMATION, INC.,  
and COSTAR GROUP, INC.,

Defendants.

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**UNOPPOSED MOTION FOR RECONSIDERATION**

Scott Zebrak of the law firm of The Oppenheim Group, LLP, respectfully requests that this Court reconsider its Order dated March 26, 2010, striking Mr. Zebrak as counsel of record for Defendants in this case, as set forth below:

1. On February 25, 2010, prior to the non-jury trial of this matter, Mr. Zebrak petitioned the Court for *pro hac vice* admission on behalf of Defendants. (Doc. #114.) The Court granted Mr. Zebrak's motion by Order dated March 1, 2010. (Doc. #116).
2. The Court subsequently entered an Order on March 26, 2010, striking Mr. Zebrak's *pro hac vice* admission for failure to comply with administrative procedures regarding electronic filing. (Doc. #131.)
3. Although the Local Rules of this Court require that a non-resident attorney comply with the e-mail registration requirements of Rule 2.01(d), they do not specify a deadline within which the registration must be completed. See Local Rule 2.02(a).

4. The Order granting Mr. Zebrak's Motion to Appear *Pro Hac Vice* did not set forth any specific requirements with respect to electronic filing, nor did it include a registration deadline. A copy of the Order is attached hereto as Exhibit "A."

5. Mr. Zebrak received one piece of correspondence from the Clerk's Office, a copy of which is attached hereto as Exhibit "B." Although the document received from the Clerk's Office indicates that electronic filing is mandatory, it does not set forth a registration deadline. Mr. Zebrak has not received any other communications (written or by telephone) from the Clerk's Office with regard to electronic filing.

6. Mr. Zebrak respectfully requests that this Court reconsider its Order striking him as counsel of record for Defendants and reinstating his *pro hac vice* admission. Mr. Zebrak agrees to comply with the administrative procedures regarding electronic filing within two (2) business days of entry of the Order readmitting him as *pro hac vice* counsel of record for Defendants.

WHEREFORE, Scott Zebrak of The Oppenheim Group, LLP, hereby respectfully requests that this Court reconsider its Order dated March 26, 2010, and reinstate him as *pro hac vice* counsel of record for Defendants, together with such additional relief as the Court deems just and proper.

**LOCAL RULE 3.01(g) CERTIFICATION**

The undersigned has conferred with counsel for Plaintiff who has advised that Plaintiff does not oppose the request for the relief sought herein.

Respectfully submitted,

s/Lara J. Tibbals

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29th day of March, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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s/Lara J. Tibbals \_\_\_\_\_  
Attorney