

FILED

2008 DEC 12 AM 10:50
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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

Counterclaim Plaintiffs,

v.

Case Number 8:08-cv-01227-JSM-MSS

SCOTT BELL

Counterclaim Defendant.

Motion to Quash Service of Summons

Defendant, Scott Bell moves this Honorable Court to enter an Order to Quash Service of Summons for Insufficiency of Service, stating in support therefore as follows:

FEDERAL RULES OF CIVIL PROCEDURE 12b (4)

1. Defendant was never served with a summons.
2. No one at Defendant's residence, usual place of abode, who is 15 or older, was served with a summons.
3. Defendant never appeared in the lawsuit.
4. Plaintiff has with knowledge denied Defendant's right to due process by improper service of summons. Plaintiff's mailed a summons for Defendant, Scott Bell to the location of Defendant, Klein and Heuchan, 1744 Belcher Road, Suite 200, Clearwater, Florida 33765. Defendant, Scott Bell, has not

worked at this location since September. See Exhibit A emphasis on item number four:

“Making matters worse, I am now a stay-at-home dad to my 2-month and 20-month old babies, and my wife is working out of the home to earn income to support our family of four.”

WHEREFORE Scott Bell moves this Court to enter an Order to Quash Service of Summons for Insufficiency of Service and granting such other and further relief as the Court may deem reasonable and just under the circumstances.

Dated: December 12, 2008

Respectfully submitted,

By: 

Scott Bell, *pro se*
2725 Big Pine Drive
Holiday, FL 34691
727- 432-2146

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY, I CERTIFY that a copy of the foregoing was provided U.S. Certified mail to William C. Guerrant Jr., Hill, Ward, & Henderson, P.A., 101 E Kennedy Boulevard – Suite 3700, Tampa, Florida 33602 and William J. Sauers, Crowell & Moring LLP, 1001 Pennsylvania Avenue, Washington, D.C. 20004 this 12th day December 2008.



Scott Bell, *pro se*
2725 Big Pine Drive
Holiday, FL 34691
727- 432-2146

State of Florida

County of Pinellas

BEFORE ME personally appeared Scott Bell who, being be me first duly sworn
and identified in accordance with Florida law, did execute the foregoing in my presence
this 12 day of Dec 2008.

My commission expires:

Rebecca Anthony



Rebecca Anthony
COMMISSION # DD819961
EXPIRES: NOV. 15, 2012
WWW.AARONNOTARY.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

COSTAR REALITY INFORMATION,
INC. et al.,

Plaintiffs

v.

Civil No.: 08-CV-01575-AW

KLEIN & HEUCHAN, INC., et al.,

Defendants

EXHIBIT A

SECOND AFFIDAVIT OF SCOTT BELL

I, SCOTT BELL, do solemnly declare and affirm on this 8th day of September, 2008, under the penalties of perjury that the following facts are true and based on my personal knowledge:

1. I am over the age of 18 years and am competent to testify to the matters set forth herein.
2. Until this litigation ensued, I never had any understanding or knowledge that CoStar's computer servers were located in Maryland.
3. Due to the poor real estate market, my income has been severely depressed and inconsistent. Because my income is uncertain and considerably less than it was at the times at issue in this case, the financial cost of litigation in Maryland would be truly oppressive.
4. Making matters worse, I am now a stay-at-home dad to my 2-month and 20-month old babies, and my wife is working out of the home to earn income to support our family of four.

5. If I were forced to travel for litigation in Maryland, we would be without child care of our two babies.

The affiant further saith naught.

I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing affidavit are true.



Scott Bell