

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

KLEIN & HEUCHAN, INC.,

*Plaintiff,*

v.

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

*Defendants-Counterclaim  
Plaintiffs,*

v.

SCOTT BELL and KLEIN & HEUCHAN,  
INC.,

*Counterclaim-Defendants.*

Civil Action No. 8:08-cv-01227-JSM-EAJ

**JOINT MOTION FOR LEAVE TO FILE A  
REPLY IN SUPPORT OF JOINT MOTION TO EXTEND DISCOVERY**

Defendants/Counterclaim Plaintiffs CoStar Realty Information, Inc., and CoStar Group, Inc. (collectively, “CoStar”) and Counterclaim-Defendant Scott Bell (“Bell”) hereby move pursuant to Local Rule 3.01(c) to file a reply of no more than three pages to Plaintiff/Counterclaim-Defendant Klein & Heuchan, Inc.’s (“K&H”) opposition [D.E. 49] to CoStar and Bell’s Joint Motion to Extend Discovery [D.E. 48].

A reply is necessary to briefly address the following issues:

- **CoStar and Mr. Bell established a good cause basis for their motion.** Mr. Bell was not added to this case until April 13, 2009, when he answered the counterclaim. This case has substantively changed with the entry of a new party, and all parties would potentially be prejudiced if discovery were not extended.

- **K&H will not be prejudiced.** K&H will not be prejudiced by a 60-day extension of discovery. Indeed, K&H does not even argue that an extension would be prejudicial, and instead, volunteers to allow Mr. Bell alone to proceed with discovery. But because the relationship between K&H and Mr. Bell is central to the parties' dispute, K&H's proposal to allow discovery to proceed in a selective manner would severely prejudice both Mr. Bell and CoStar. This course would effectively allow K&H to avoid answering to Mr. Bell's testimony and his other discovery, and thereby prevent CoStar and Mr. Bell from developing the record regarding Mr. Bell and K&H's relationship.
- **No other deadlines would be affected by an extension.** K&H's assertion that this case has been proceeding since last year does not have any bearing on the requested relief. A short 60-day extension until July 27, 2009 would maintain a discovery deadline that is well *before* the mediation date (August 20, 2009), the dispositive motion deadline (September 1, 2009), and the trial date (January 10, 2010). [D.E. 18, 46.] Moreover, this is the first request for an extension. Thus, no party will be prejudiced – an extension would merely allow this case to proceed to a just resolution on the merits.
- **The existence of a related case warrants an extension.** There is a related case (Case No. 8:09-cv-565) that was recently transferred to the U.S. District Court for the Middle District of Florida [*see* D.E. 47]. It may be appropriate to consolidate the two cases and to adjust the discovery deadline in this case accordingly.

CoStar and Mr. Bell respectfully request leave to file a reply of no more than three pages so that they may fully develop these issues and have an opportunity to respond to K&H's assertions.

Dated: May 29, 2009

Respectfully submitted,

s/William J. Sauers

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- and -

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*Counsel for Defendants-Counterclaim Plaintiffs  
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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on May 29, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which sent a notice of electronic filing to the following:

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I **FURTHER CERTIFY** that that on May 29, 2009, I sent a true and correct copy of the foregoing by electronic and first class mail to:

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