

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

KLEIN & HEUCHAN, INC.,

Plaintiff,

v.

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

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

Defendants.

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**UNOPPOSED MOTION TO PERMIT THE WITHDRAWAL  
OF PAUL M. FINAMORE, ESQ. AS COUNSEL**

Pursuant to Rule 2.03(b), Local Rules for the Middle District of Florida, Plaintiffs KLEIN & HEUCHAN, INC. (collectively “Movants” or “K & H”) hereby move this Court for an Order permitting the withdrawal of Paul M. Finamore, Esq. as counsel for Movants, showing the Court as follows:

1. On June 4, 2008, Plaintiff filed its Complaint against Defendant in the Sixth Judicial Circuit of Florida in Pinellas County. Subsequently, the case was removed and transferred to this United States District Court, Middle District of Florida, Tampa Division. (D.E. 1).
2. On June 17, 2008, Defendant COSTAR REALTY INFORMATION, INC., et al. (“CoStar”) filed a similar Complaint against Plaintiff K & H in the United States District County for the District of Maryland, Greenbelt Division. (Case No. 8:08-cv-01575-AW, D.E. 1)

3. Also, on July 17, 2008, Defendant CoStar responded to the Complaint in the Florida Court by filing a *Motion to Dismiss or in the Alternative, to Transfer Venue* on behalf of Movants with the Court. (D.E. 8).

4. On July 28, 2008, Attorney Paul M. Finamore, of the law firm Niles, Barton & Wilmore located in Baltimore, Maryland, responded to the Complaint in Maryland Federal Court against K & N by filing a *Motion to Dismiss for Lack of Personal Jurisdiction, or Alternatively, Motion to Transfer Venue to the Middle District of Florida* on behalf of Movants with the Court. (Case No. 8:08-cv-01575-AW, D.E. 11)

5. On September 3, 2008, this Court denied CoStar's Motion to Dismiss or to Transfer Venue and directed CoStar to file answer to the Complaint in Florida. (D.E. 10)

6. On March 26, 2009, the United States District Judge in Maryland granted K & H's motion and venue for the Maryland Complaint was transferred to this Court. (Case No. 8:08-cv-01575-AW, D.E. 21, 22).

7. On March 27, 2009, the Maryland case was assigned to Judge Virginia M. Hernandez Covington and Magistrate Judge Thomas G. Wilson and given the new case number 8:09-cv-565-T-33TGW. (Case No. 8:09-cv-565-T-33TGW D.E. 23).

8. By Order of the Court dated June 25, 2009, case number 8:09-cv-565-T-33TGW was administratively closed and consolidated into this matter. (D.E. 54, and Case No. 8:09-cv-565-T-33TGW D.E. 32)

9. Since there is no longer a pending matter in Maryland Federal Court, Attorney Paul M. Finamore, and the law firm Niles, Barton & Wilmore wish to withdrawal as Counsel of record in this matter.

10. The interests of Movants are being adequately protected by the representation from Attorneys J. Paul Raymond, Jeffrey W. Gibson, and Brian Aungst, of the law firm Macfarlane, Ferguson, & McMullen.

11. The undersigned hereby certifies that KLEIN & HEUCHAN, INC. have been provided more than ten (10) days notice and have no objection to the withdrawal of Paul M. Finamore, Esq. and the law firm of Niles, Barton & Wilmore.

12. Accordingly, Movants request this Court permit the withdrawal of Paul M. Finamore, Esq. as Counsel for Movants. Additionally, Movants move this Court to order the Clerk's Office to remove Mr. Finamore from the automatic service list of the instant matter in the CM/ECF system.

#### **CERTIFICATE OF COUNSEL**

13. Pursuant to Local Rule 3.01(g), the undersigned counsel has conferred with Attorney William Sauers Counsel for Defendant CoStar, who has no objection to this Motion.

14. Pursuant to Local Rule 3.01(g), the undersigned counsel has conferred with Attorney Love Counsel for Defendant Scott Bell via repeated phone calls and email and has received no objection to this Motion.

#### **MEMORANDUM OF LAW**

Local Rule 2.03(b) provides that no attorney who has made a general appearance may thereafter withdraw as counsel "except by written leave of Court obtained after giving ten (10) days' notice to the party or client affected thereby, and to opposing counsel." Rule 2.03(b), Local Rules for the Middle District of Florida.

As detailed above, because the interests of Movants are being adequately protected by the representation from Attorney J. Paul Raymond, Jeffrey W. Gibson, and Brian Aungst, Movants request this Court permit the withdrawal of Paul M. Finamore and the law firm of Niles, Barton & Wilmore. Additionally, Movants move this Court to order the Clerk's Office to remove Mr. Finamore from the automatic service list of the instant matter in the CM/ECF system.

WHEREFORE, KLEIN & HEUCHAN, INC. request that this *Plaintiffs' Unopposed Motion to Permit the Withdrawal of Paul M. Finamore as Counsel* be granted and that the Court issue an Order to the Clerk's Office to remove Paul M. Finamore and the law firm of Niles, Barton & Wilmore as counsel of record in this matter on the CM/ECF system.

RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of June, 2009.



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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of June, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I FURTHER CERTIFY that on this 25<sup>th</sup> day of June 2009, I sent a true and correct copy of the foregoing by electronic mail and first class mail to:

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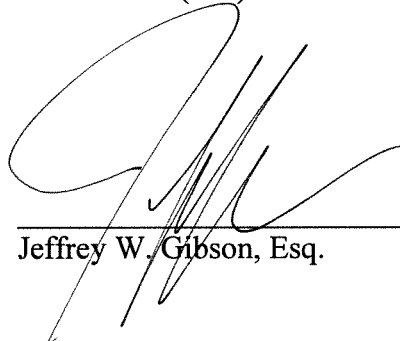
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