

**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

**PARTIALLY CONSENTED TO MOTION TO EXTEND
DISPOSITIVE MOTIONS DEADLINE**

Defendants / Counterclaim-Plaintiffs CoStar Realty Information, Inc., and CoStar Group, Inc. (collectively, “CoStar”) hereby move to extend the dispositive motions deadline by a period of 11 days, from September 14, 2009 to September 25, 2009.¹ This modest extension is warranted in order to prevent prejudice to the parties in preparing summary judgment motions and briefing. The court reporter has yet to deliver the final transcripts and exhibits for the depositions of Bell and Plaintiff / Counterclaim-Defendant Klein and Huechan, Inc. (“K&H”), which took place recently (on August 20, 2009 and August 27, 2009, respectively). In addition,

¹ As noted below in the Local Rule 3.01(g) Certification, counsel for Counterclaim-Defendant Scott Bell (“Bell”) agreed to the filing of this motion and the relief requested herein.

K&H produced additional documents one day after its deposition, which was also one day after the close of discovery. *See* D.E. 64 (07/30/09 Order). Finally, the parties participated in a mediation on September 2, 2009, which resulted in an impasse. An extension would allow the parties adequate time to review the transcripts and supplemental production and to prepare summary judgment motions and supporting briefs. Further, certain CoStar employees whose signatures are likely necessary for declarations in support of any summary judgment motion filed by CoStar have scheduling conflicts that would significantly hamper the completion of the declarations by September 14, 2009. An extension to September 24, 2009, would allow adequate time for preparation of the declarations.

Finally, no party will be prejudiced by this short extension, given the short period of time requested, and because granting the request would not significantly reduce the time period available for the Court to review any dispositive motions or change the date for trial, currently set for January 4, 2010. D.E. 18 (11/06/08 Order).

LOCAL RULE 3.01(g) CERTIFICATION

Counsel for CoStar certifies that it has conferred with counsel for Mr. Bell regarding the issues raised by this motion, and that counsel for Mr. Bell agreed to the filing of this motion and the relief requested herein. Counsel for CoStar further certifies that it has attempted to confer with counsel for K&H regarding the issues raised by this motion, but that it has not yet received a response from K&H's counsel. Accordingly, CoStar's counsel will supplement this certification in the event that it is able to obtain a response from K&H's counsel.

Dated: September 8, 2009

Respectfully submitted,

s/William J. Sauers

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 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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