

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.

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

JOINT MOTION TO EXTEND DEADLINES

The parties all jointly request this Court enter an Order extending the deadlines of the Pre-Trial Conference and the Non-Jury Trial by **Sixty (60) Days**, and as grounds therefor state:

Matthew J. Oppenheim of the law firm of The Oppenheim Group, LLP is substituting as lead counsel for Defendants-Counterclaimants. Mr. Oppenheim was only just retained on November 9, 2009 and is in the process of transitioning the case. The Motion for Substitution and Pro Hac Vice Motion is being filed contemporaneously with this filing.

Further, Plaintiff-Counterdefendant, Klein & Heuchan, Inc. ("K & H"), is considering filing a motion in limine to exclude certain evidence or in the alternative to permit additional discovery following receipt of the Court's Order of November 6, 2009 denying K & H's Motion to Strike.

The pre-trial conference is currently scheduled for Tuesday, December 1, 2009, and this case is set for non-jury trial during the January 4, 2010 trial term. Defendants are fully aware that a motion to extend a pretrial conference or trial is disfavored after the entry of the Case

Management Order. *See* Local Rule 3.05(c)(2)(E). Defendants, however, are only asking for a short sixty day extension. While the Court has altered other deadlines in the case previously, the December 1, 2009 Pre-Trial and the January trial dates have not previously been extended. A short sixty day extension will allow new counsel time to prepare pre-trial materials and for the upcoming trial. Moreover, the extension will also permit K & H to file its motion and have it resolved prior to the Pre-Trial (and if necessary to conduct some additional limited discovery as permitted by the Court).

WHEREFORE, the parties respectfully request that this Court enter an Order extending the deadlines of the pre-trial conference and the non-jury trial by sixty (60) days.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 10, 2009, 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 J. Paul Raymond, Brian J. Aungst, Jr., and Jeff Gibson, MacFarlane Ferguson & McMullen, P. O. Box 1669, Clearwater, FL 33757 and to Randall J. Love, Randall J. Love & Associates, 10816 U.S. Highway 19 North, Suite 110, Port Richey, Florida 34668-2564.

s/William C. Guerrant, Jr.
Attorney