

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

Case No. 07-22670 CIV-SEITZ/MCALILEY

STOCKWIRE RESEARCH GROUP, INC., a
Florida corporation and ADRIAN JAMES, a Texas
resident,

Plaintiffs,

v.

JONATHAN LEBED, a Florida resident, LEBED
BIZ, L.L.C., a New Jersey Limited Liability
Company, PIGASA, INC., a New Jersey
Corporation and CONSTANCE LEBED, a New
Jersey resident,

Defendants.

**MOTION OF DEFENDANT CONSTANCE LEBED FOR LEAVE TO SUBMIT
RESPONSE TO AMENDED COMPLAINT AND NOTICE OF WITHDRAWAL OF HER
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant Constance Lebed (“Mrs. Lebed”) moves the court, pursuant to Rules 7(b) and 12 of the Federal Rules of Civil Procedure, for leave to submit a further response to the Amended Complaint on the following grounds.

1. On December 13, 2007, prior to engaging her current counsel, Mrs. Lebed through other counsel filed a motion to dismiss for lack of personal jurisdiction based primarily on the grounds that she is a resident of New Jersey and has no contacts sufficient to satisfy constitutional standards to be sued in this jurisdiction. DE # 18.

2. Mrs. Lebed engaged new counsel who noticed an appearance on February 12, 2008.
DE # 43.
3. On March 7, 2008, the court entered an order allowing Plaintiff to take discovery on the jurisdictional defense raised by Mrs. Lebed. DE # 49.
4. Mrs. Lebed and her counsel thereafter determined that it would be inefficient and expensive for her to participate in two rounds of discovery, since she would be deposed once on jurisdictional issues and then, if she were to be sued in New Jersey or if her motion were to be denied, she would likely be deposed again in the New Jersey case. Moreover, Mrs. Lebed could be prejudiced by not being able to take full discovery in the pending case while being the subject of such discovery if her motion were to be denied.
5. Accordingly, Mrs. Lebed has decided to withdraw her motion to dismiss for lack of personal jurisdiction.
6. Respectfully, Mrs. Lebed requests leave to file an alternate response either under Rule 7 or Rule 12, Federal Rules of Civil Procedure.
7. Mrs. Lebed seeks a brief enlargement of time up to and including April 7, 2008 within which to file the foregoing response. She asks for this because her counsel had not anticipated the need to adequately prepare an additional response and will be on a family vacation during the week of March 31, 2008. In addition, Plaintiffs' counsel has advised that he has no objection to a ten-day enlargement of time (since the tenth day falls on the weekend, undersigned counsel is asking that the response be due no sooner than April 7, 2008, a Monday).

Conclusion

Based on the foregoing, Defendant Constance Lebed moves the court to afford her until April 7, 2008 within which to file and serve a motion or pleading responsive to the Amended Complaint in place of her earlier filed Motion to Dismiss for Lack of Personal Jurisdiction which she has now formally withdrawn.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s:/Susan H. Aprill

SERVICE LIST

Stockwire Research vs. Lebed

Case No. 07-22670 Civ-Seitz/McAliley

United States District Court, Southern District of Florida

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