

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Palm Beach DIVISION

STEVEN A. SILVERS, an individual,

CASE NO. 05-80387-CIV
(Ryskamp/Vitunac)

Plaintiffs,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

GOOGLES INC., a Delaware corporation,

Counterclaimant,

v.

STEVEN A. SILVERS, an individual; STELOR
PRODUCTIONS, INC., a Delaware corporation;
STELOR PRODUCTIONS, LLC; a business
Entity of unknown form; and STEVEN ESRIG,
An individual,

Counterdefendants.

**SILVERS' REPLY TO GOOGLE'S OPPOSITION
TO MOTION TO COMPEL PRIVILEGE LOG**

Prior to moving to compel a privilege log for Google Inc., Steven Silvers' counsel requested Google to verify that it was not claiming privilege or work product as to any documents it intended to use at trial. Google refused to do so; thus Silvers filed the motion on the last day to file discovery motions pursuant to the Court's Scheduling Order.

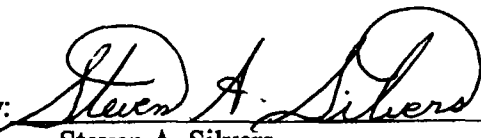
Google has now, in response to the motion, gone on record as having no such documents. This is inconsistent with Google's response to Silvers' discovery request, in which Google claimed it was withholding responsive documents. And, Google's counsel refused to confirm it

would not seek to use withheld documents at trial. Now, given Googles's belated change of position, the relief sought by Silvers is not necessary.

Silvers did not seek a preview of Google's exhibit list; he merely sought to avoid being sand bagged at trial by, for example, Google withholding documents from discovery and then, withdrawing claims of work-product, using such documents at trial. The motion was filed only after Google insisted it could proceed in this fashion.

Silvers respectfully requests an order in the form attached as Exhibit "A" be entered to reflect Google's position as stated on the record.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
by U.S. mail on this th 28 day of July, 2006 upon:

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By: 
Steven A. Silvers

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**ORDER GRANTING SILVERS'
MOTION TO COMPEL PRIVILEGE LOG**

THIS CAUSE having come on before the Court on Steven Silvers' motion to compel
privilege log. Having reviewed the pleadings, and being duly advised, it is hereby **ORDERED**
and **ADJUDGED** that:

1. The motion is granted in part and denied in part.
2. Google Inc. shall not be required to provide a log of documents withheld from
discovery on grounds of privilege or work-product.
3. Google shall be precluded at trial from introducing as evidence any documents
responsive to Silvers' discovery and not produced in discovery.

DONE and ORDERED in Chambers in Palm Beach County, Florida, this ____ day of
_____, 2006.

UNITED STATES DISTRICT COURT JUDGE

Copies furnished to:

Steven A. Silvers, Counsel of Record
3339/102/266915.2

