

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80387 CIV RYSKAMP/VITUNAC

STEVEN A. SILVERS, an individual,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.
_____ /

GOOGLE INC., a Delaware corporation,

Counterclaimant,

v.

STEVEN A. SILVERS, an individual;
STELOR PRODUCTIONS, INC., a Delaware
Corporation; STELOR PRODUCTIONS, LLC, a
Delaware limited liability company, and
STEVEN ESRIG, an individual,Counterdefendants.
_____ /**MOTION FOR LEAVE TO FILE SUR-REPLY**

Stelor Productions, LLC hereby moves for leave file the attached Sur Reply in response to Defendant/Counterclaimant Google Inc.'s Reply in Support of its (1) Cross-Motion to Compel Production of Documents and Privilege Log from Stelor and Esrig and (2) Motion for Costs against Stelor and Esrig, in support thereof, states as follows:

Good cause exists for Stelor to file the attached sur-reply. Having failed to file a motion to compel itself – namely because Stelor had produced more than 10,000 pages of documents

BURLINGTON • SCHWIEP • KAPLAN (&) BLONSKY, P.A.

OFFICE IN THE GROVE PENTHOUSE 2699 SOUTH BAYSHORE DRIVE MIAMI, FLORIDA 33133

T: 305.858.2900 F: 305.858.5261

EMAIL: INFO@BSKBLAW.COM WWW.BSKBLAW.COM

and worked in good-faith to resolve all pending discovery issues – Google improperly tries to have the last word by filing a cross-motion in opposition to Stelor’s Motion for Protective Order. Stelor respectfully seeks leave to file the attached sur-reply, to address Google’s unfounded attempt to use as a basis for its sanctions motion Stelor’s continued efforts to narrow the pending issues by supplementing its privilege log and producing certain emails with Silvers, and accommodating Google’s out-of-town counsel by bates stamping and producing advance copies of documents to be used as exhibits at Mr. Silvers’ recent deposition (which Google’s counsel attended by phone).

Certificate of Conference

Undersigned counsel certifies that David Zack from his office conferred with counsel for Google, who does not oppose Stelor being granted leave to file the attached sur-reply. A proposed Agreed Order is submitted herewith.

WHEREFORE, Stelor hereby moves for leave to file the attached sur-reply.

Respectfully submitted,

s/Kevin C. Kaplan - Florida Bar No. 933848

David J. Zack - Florida Bar No. 641685

Email: kkaplan@bskblaw.com

dzack@bskblaw.com

BURLINGTON, SCHWIEP, KAPLAN &
BLONSKY, P.A.

Office in the Grove, Penthouse A

2699 South Bayshore Drive

Miami, Florida 33133

Tel: 305-858-2900

Fax: 305-858-5261

Counsel for STELOR PRODUCTIONS,
LLC and STEVEN ESRIG

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2006, I electronically filed the foregoing document 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 or pro se parties identified 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/Kevin C. Kaplan

SERVICE LIST

**STEVEN A. SILVERS, Plaintiff, v. GOOGLE INC.
CASE NO. 05-80387 CIV RYSKAMP/VITUNAC
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA**

Steven A. Silvers, *pro se*
gewrue@hotmail.com
Suite 202 – PMB 203
8983 Okeechobee Boulevard
West Palm Beach, Florida 33411
Tel: 954-4445-6788
Fax: 561-784-9959
Method of Service: Facsimile & U.S. Mail

Robert H. Cooper, Esq.
robert@rcooperpa.com
ROBERT COOPER, P.A.
Concorde Centre II, Suite 704
2999 N.E. 191 Street
Aventura, Florida 33180
Tel: 305-792-4343
Fax: 305-792-0200
Attorney for Plaintiff Steven A.
Silvers
Method of Service: Facsimile and
U.S. Mail

Ramsey Al-Salam, Esq.
RAlsalam@perkinscoie.com
William C. Rava, Esq.
PERKINS COIE LLP
Suite 4800
1201 Third Avenue
Seattle, Washington 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000
Attorneys for Defendant Google Inc.
Method of Service: Facsimile and U.S. Mail

Jan Douglas Atlas, Esq.
jatlas@adorno.com
ADORNO & YOSS LLP
Suite 1700
350 East Las Olas Boulevard
Fort Lauderdale, Florida 33301
Tel: 954-763-1200
Fax: 954-766-7800
Attorneys for Defendant Google
Inc.
Method of Service: Facsimile and
U.S. Mail

Johanna Calabria, Esq.
PERKINS COIE LLP
Suite 2400
Four Embarcadero Center
San Francisco, CA 94111
Tel: 415-344-7050
Fax: 415-344-7124
E-mail: jcalabria@perkinscoie.com
Attorneys for Defendant Google Inc.
Method of Service: Facsimile and U.S. Mail