

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.

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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.

\_\_\_\_\_/

**CROSS-CLAIM PLAINTIFF STELOR PRODUCTIONS, LLC'S  
MEMORANDUM OF LAW IN OPPOSITION TO SILVERS' SECOND MOTION FOR  
EXTENSION OF TIME TO RESPOND TO STELOR'S MOTION FOR SUMMARY  
JUDGMENT AGAINST SILVERS**

Cross-Claim Plaintiff STELOR PRODUCTIONS, L.L.C. ("Stelor"), by and through undersigned counsel, hereby opposes on the following grounds Silvers' Second Motion (DE # 185) for Extension of Time to Respond to Stelor's Motion for Summary Judgment (DE #140):

1. Silvers claims to have read the Court's October 25<sup>th</sup> Order (DE #157) as extending the time for Silvers to respond to Stelor's Summary Judgment Motion (as well as Google's Motions) until November 10, 2006.

2. Silvers, however, did not comply even with that deadline, and has requested yet another ten days to respond. Effectively, therefore, Silvers wants an additional month from the October 26, 2006 deadline to file his response.

3. The primary reason for this additional requested enlargement is ongoing settlement discussions with Stelor. Those discussions, however, have not been of a character or quantity to justify the continued delay in the filing of Silvers' response. The suggestion in Silvers' motion that such discussions have somehow "slowed [Silvers'] counsel's progress in learning the facts and history of this case" makes absolutely no sense whatsoever.

4. Silvers' response to the Summary Judgment Motion is overdue. No further delay should be permitted. Stelor's Summary Judgment Motion is extremely well-founded. And, the Court's pretrial deadlines require such motions to be fully briefed motions well in advance of the trial date, which helps to avoid unnecessary trial preparation expenses in the event the Motion is granted.

WHEREFORE, Stelor respectfully opposes Silvers motion for yet an additional enlargement of time to respond to Stelor's Summary Judgment Motion.

Respectfully submitted,

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

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CASE NO. 05-80387 CIV RYSKAMP/VITUNAC

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LLC and STEVEN ESRIG

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 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 identified on the attached Mailing Information for Case No. 05-80387. Counsel of record currently identified on the attached Mailing Information list to receive e-mail notices for this case are served via Notices of Electronic Filing generated by CM/ECF. Counsel of record who are not on the Mailing Information List to receive email notices for this case have been served via U.S. Mail.

s/Kevin C. Kaplan

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I hereby certify that on November 13, 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

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