

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIVIL DIVISION

CASE NO. 05-80387-CIV-RYSKAMP/VITUNAC

Steven A. Silvers, an individual
Plaintiff

v.

Google Inc., a Delaware corporation
Defendant

Silvers' Motion to File Sur-reply

Silvers moves this Court for leave to file a sur-reply to the Stelor's response to Silvers' Memorandum of law in opposition to Stelor's Motion for Bench trial

The grounds are:

1. In its response Stelor states that whether the action in diversity is triable by the court or jury is a matter of federal law.
2. As is set forth in the proposed sur-reply, Federal law is equally clear that in a case such as this where Stelor seeks both damages for breach of contract and a declaratory judgment that the contract has been breached, the action remains an action at law and is triable by jury.

Certificate of Service

I certify that a true and correct copy of the foregoing was served on counsel

of record via the electronic filing system

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