

FILED ELECTRONIC Page 1 of 4 D.C. Jan 30 2006 CLARENCE MADDOX CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI
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UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80387 CIV RYSKAMP/VITUNIC

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,

Counterdefendants.

_____ /

**STELOR'S OPPOSITION TO SILVERS' MOTION
 TO REQUIRE STELOR TO COMPLY WITH RULE 5**

Counterdefendant/Crossplaintiff, STELOR PRODUCTIONS, L.L.C., f/k/a STELOR PRODUCTIONS, INC. ("Stelor"), by and through its undersigned attorneys, hereby opposes on the following grounds Steven A. Silvers ("Silvers") Motion to Require Stelor to Comply with Rule 5:

Stelor has complied and will continue to comply with Rule 5. All papers Stelor has filed with the Court in this action have properly been served as well. The claims of Silver's counsel are entirely without substantiation, and in fact wrong. A true and correct copy of the email

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transmission from David Zack, Esq. to all counsel in this action enclosing Stelor's Non-Opposition to Steven Silvers' Motion for Enlargement, is attached hereto as Exhibit "A". Clearly that paper was served by email and by mail, as the certificate reflects. A true and correct copy of that email, received by Mr. Kaplan, Esq., is also attached as Exhibit "B".

To the extent Silvers' counsel is having issues receiving their mail, Stelor has no way of knowing whether the issue exists at their offices, whether they simply misplaced (or misdocketed) documents, or if in fact, papers were lost in the mail. Nor should Stelor (or this Court) be required to waste further resources on this issue.

Stelor has served and will continue to serve all papers as required by Rule 5. Stelor has no objection if this Court wants to enter an order requiring *ALL PARTIES* also to serve papers electronically. No justification whatsoever exists for requiring Stelor, specifically, to follow certain procedures, and Stelor objects to entry of any such order.

For these reasons, Silvers' Motion is unfounded and should be denied.

RESPECTFULLY SUBMITTED,

BURLINGTON, WEIL, SCHWIEP,
KAPLAN & BLONSKY, P.A.
Attorneys for Stelor Productions, LLC
2699 South Bayshore Drive, Penthouse
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By: /s/ Kevin C. Kaplan
/s/ David J. Zack
Kevin C. Kaplan
Florida Bar No. 933848
David J. Zack
Florida Bar No. 641685

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served electronically and via U.S. mail on this 30th day of January, 2006 upon the following:

Adam T. Rabin, Esq.
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/s/ Kevin C. Kaplan
Kevin C. Kaplan

EXHIBIT A

David Zack

From: David Zack

Sent: Friday, January 06, 2006 4:41 PM

To: 'arabin@dkrpa.com'; 'GAM@kttlaw.com'; 'jatl@adorna.com'; 'abridges@winston.com'

Cc: Kevin C. Kaplan; Lola Maclaren

Please see the attached.

1/30/2006

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Delaware limited liability company,

Counterdefendants.

**STELOR PRODUCTIONS, L.L.C.'S NON-OPPOSITION TO
STEVEN SILVERS' MOTION FOR ENLARGEMENT OF TIME**

Stelor Productions, L.L.C. ("Stelor") hereby files its non-opposition to
Steven Silvers' Motion for Enlargement of Time to file a reply in support of his
Motion to Dismiss Stelor's amended crossclaims.

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Stelor does not oppose Silvers' Motion for Enlargement of Time. Stelor, however, takes issue with Silvers' representation that Stelor has in the past failed to serve it with pleadings. Furthermore, Stelor's records indicate that it did serve Silvers by mail with its opposition to his Motion to Dismiss.

Respectfully submitted,

BURLINGTON, WEIL, SCHWIEP,
KAPLAN & BLONSKY, P.A.
Attorneys for Stelor Productions, LLC
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By: /s/ David J. Zack
Kevin C. Kaplan
Florida Bar No. 933848
David J. Zack
Florida Bar No. 641685

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I HEREBY CERTIFY that a true copy of the foregoing was served via e-mail and U.S. Mail on this 6th day of January, 2006 upon the following:

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/s/ David J. Zack
David J. Zack

David Zack

From: David Zack
Sent: Friday, January 06, 2006 4:43 PM
To: 'jatlas@adorno.com'
Subject: FW:

-----Original Message-----

From: David Zack
Sent: Friday, January 06, 2006 4:41 PM
To: 'arabin@dkrpa.com'; 'GAM@kttlaw.com'; 'jatlas@adorna.com'; 'abridges@winston.com'
Cc: Kevin C. Kaplan; Lola Maclaren
Subject:

Please see the attached.

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Respectfully submitted,

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KAPLAN & BLONSKY, P.A.
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E-mail: dzack@bwskb.com

By: /s/ David J. Zack
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/s/ David J. Zack
David J. Zack

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Kevin C. Kaplan

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'abridges@winston.com'
Cc: Kevin C. Kaplan; Lola Maclaren
Attachments: Stelor Productions, LLC's Non-Opposition to Steven Silvers' Motion for Enlargement of Time.pdf

Please see the attached.