

FILED by <u>SW</u> ELECTRONIC	Page <u>1</u> of <u>4</u>	D.C.
Feb 6 2006		
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Palm Beach Division

STEVEN A. SILVERS, an individual,

CASE NO. 05-80387-CIV-RYSKAMP
Magistrate Judge Vitunac

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 business entity of unknown form; and STEVEN ESRIG, an individual,

Counterdefendants.

**SILVERS' REPLY IN SUPPORT OF
MOTION TO REQUIRE STELOR TO COMPLY WITH RULE 5**

In response to Silvers identifying numerous pleadings he never received, or received by mail when Stelor certified electronic service, Stelor provided evidence that one such filing - - the January 6, 2006 non-opposition - - had been electronically served. Assuming Stelor did properly serve that filing, Stelor offers no record of serving the other filings¹ as certified. Stelor's silence is an admission that Silvers' complaints are justified. Unfortunately, we need an order

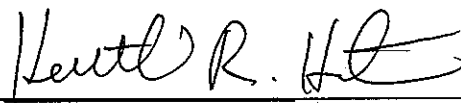
¹ Silvers' motion also identified Stelor's December 23, 2005 filing; and, as reflected in our September 23, 2005 letter, other Stelor filings have not been received as certified by Stelor.

regarding service because Stelor has, as in its opposition, frequently promised to do the right thing, but continues not to. Silvers has no objection to being included in the order. A modified proposed order is attached as Exhibit "A."

Respectfully submitted,

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By: 
Kenneth R. Hartmann
Florida Bar No. 664286
Gail A. McQuilkin
Florida Bar No. 969338

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail and U.S. mail on this 6th day of February, 2006 upon:

Jan Douglas Atlas
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By: 
Kenneth R. Hartmann

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.

GOOGLE 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.

**ORDER GRANTING PLAINTIFF'S
MOTION TO REQUIRE STELOR TO COMPLY WITH RULE 5**

THIS CAUSE came before the Court on Plaintiff, Steven A. Silvers' Motion to Require Stelor Productions, LLC to Comply with Rule 5, Fed. R. Civ. P. Having reviewed the pleadings, and duly advised in the premises, it is **ORDERED and ADJUDGED** that:

1. Silvers' motion is **GRANTED**.
2. Stelor shall comply with the requirements of Rule 5 in filing any motions, memoranda, briefs or pleadings in this case.

EXHIBIT "A"

3. Any pleading filed by Stelor or Silvers using electronic means shall be served by electronic means. Stelor and Silvers shall take reasonable steps to verify such service is effectuated.

DONE and **ORDERED** in chambers at West Palm Beach, Florida, this ___ day of _____, 2006.

UNITED STATES DISTRICT COURT JUDGE

Conformed copies to:

Kenneth R. Hartmann, Esq.
Gail McQuilkin, Esq.
Adam Rabin, Esq.
Kevin Kaplan, Esq.
Jan Douglas Atlas, Esq.
Andrew P. Bridges, Esq.

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