

UNITED STATES DISTRICT COURT
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 business entity of unknown form; and
STEVEN ESRIG, an individual,

Counterdefendants.

_____ /

**DEFENDANT/COUNTERCLAIMANT GOOGLE INC.'S MEMORANDUM
IN LIMITED OPPOSITION TO PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

Defendant/Counterclaimant GOOGLE INC. ("GOOGLE"), by and through its undersigned counsel, hereby files its Memorandum in Limited Opposition to Plaintiff's Counsel's Motion to Withdraw as Counsel for Plaintiff ("Motion to Withdraw"), and states as follows:

1. On or about June 5, 2006, the law firms of Kozyak Tropin & Throckmorton, P.A. and

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Dimond Kaplan & Rothstein, P.A., counsel to Plaintiff/Cross-Defendant STEVEN A. SILVERS ("SILVERS"), filed their Motion to Withdraw and requested an Order allowing them to withdraw as counsel of record for SILVERS based on "irreconcilable differences."

2. GOOGLE does not object to the withdrawal, so long as the withdrawal is subject to the following two conditions.

3. First, SILVERS should be produced for deposition before the withdrawal is effectuated. Fact discovery is currently scheduled to end on July 31, 2006, and GOOGLE needs SILVERS' deposition to determine the extent to which additional discovery is needed in preparing for trial. SILVERS' counsel has not objected to producing SILVERS for deposition prior to withdrawing, and the parties are currently negotiating a deposition date for late June. Accordingly, GOOGLE respectfully requests that the Court condition any withdrawal on first having SILVERS produced for deposition.

4. Second, GOOGLE respectfully requests that the Court extend the discovery and case schedule to the extent necessary to accommodate any delay caused by SILVERS' retention of new counsel.¹

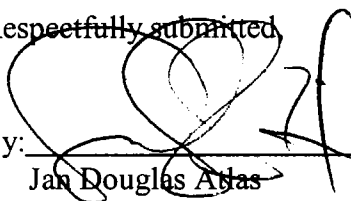
WHEREFORE, Defendant/Counterclaimant GOOGLE INC. respectfully requests that this Court grant Plaintiff STEVEN A. SILVERS's counsel's Motion to Withdraw subject to the conditions as outlined herein, together with such other and further relief as this Court deems just and proper.

¹The parties are currently negotiating a revised schedule independent of any delay caused by the withdrawal of Plaintiff's counsel. As currently proposed, fact discovery would end on August 14, 2006 with expert discovery thereafter.

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Respectfully submitted,

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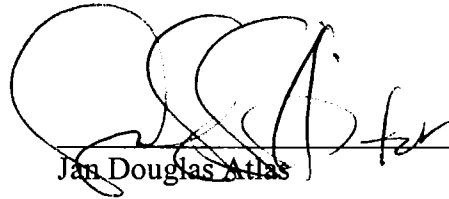
(415) 591-1400 - Fax

Counsel for Defendant Google Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail on this 20th day of December, 2005 upon: HARLEY S. TROPIN, ESQ., KENNETH R. HARTMANN, ESQ. and GAIL M. McQUILKIN, ESQ., Kozyak, Tropin, Throckmorton, P.A., 2525 Ponce de Leon, 9th Floor, Miami, FL 33134; ADAM T. RABIN, ESQ., Dimond, Kaplan & Rothstein, P.A., 525 South Flagler Drive, Trump Plaza, Suite 200, West Palm Beach, FL 33401; and KEVIN C. KAPLAN, ESQ., Burlington, Weil, Schwiep, Kaplan & Blonsky, P.A., 2699 South Bayshore Drive, Miami, FL 33133.


Jan Douglas Atlas