

May 26 2005

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80393 CIV HURLEY/HOPKINS

STELOR PRODUCTIONS, L.L.C., a  
Delaware corporation, f/k/a STELOR  
PRODUCTIONS, INC.,

Plaintiff,

vs.

STEVEN A. SILVERS, a Florida resident,

Defendant.  

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**PLAINTIFF'S MOTION TO STRIKE SUPPLEMENTAL  
DECLARATION OF KEVA LABOSSIÈRE**

Plaintiff Stelor Productions, LLC hereby moves for an Order striking the "Supplemental Declaration of Keva Labossiere," which was improperly filed by Defendant on May 25, 2005 after the May 19, 2005 evidentiary hearing on Plaintiff's Motion for a Preliminary Injunction and after the final permitted memorandum of law was filed. In support of this Motion to Strike, Plaintiff states as follows:

Southern District of Florida Local Rule 7.1(C) permits a party opposing a motion to file a memorandum of law "not later than ten days after service of the motion." It also permits the moving party to file a reply memorandum. The Rule strictly states that "No further memoranda of law shall be filed without prior leave of Court." *Id.* Defendant has already filed an opposition memorandum to the

BURLINGTON • WEIL • SCHWIEP • KAPLAN &amp; BLONSKY, P.A.

OFFICE IN THE GROVE PENTHOUSE 2699 SOUTH BAYSHORE DRIVE MIAMI, FLORIDA 33133

T: 305.858.2900 F: 305.858.5261

EMAIL: INFO@BWSKB.COM WWW.BWSKB.COM

preliminary injunction motion and has been heard at court at the May 19, 2005 hearing. Plaintiff has already filed its Reply Memorandum. Therefore, no more memoranda may be filed on this matter.

The supplemental declaration is not authorized by the Rule, and is a disguised attempt to file an additional memorandum. Furthermore, Defendant's attorneys had a full opportunity to present evidence at the May 19, 2005 hearing, and Defendant chose not to be available to provide testimony. Defendant's attorneys expressly represented to the Court that they wanted to proceed solely on the basis of the declarations Defendant had already submitted. Plaintiff is also prejudiced by the late filed Declaration because it was filed after Plaintiff's Reply Memorandum and the hearing, and the Court's ruling is expected to be imminent.

For the foregoing reasons, the Supplemental Declaration of Keva Labossiere should be stricken.

Respectfully submitted,

BURLINGTON, WEIL, SCHWIEP,  
KAPLAN & BLONSKY, P.A.  
Attorneys for Plaintiff  
Office in the Grove, Penthouse A  
2699 South Bayshore Drive  
Miami, Florida 33133  
Tel: 305-858-2900  
Fax: 305-858-5261  
Email address: dzack@bwskb.com

By: S/ David J. Zack

Kevin C. Kaplan  
Florida Bar No. 933848  
Daniel F. Blonsky  
Florida Bar No. 972169  
David J. Zack  
Florida Bar No. 641685

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was served via U.S.  
mail on this 26th day of May, 2005 upon the following:

Adam T. Rabin, Esq.  
DIMOND, KAPLAN &  
ROTHSTEIN, P.A.  
Suite 708  
200 S.E. First Street  
Miami, Florida 33131

Kenneth R. Hartmann, Esq.  
Gail M. McQuilkin, Esq.  
KOZYAK TROPIN &  
THROCKMORTON, P.A.  
2525 Ponce de Leon Blvd., 9<sup>th</sup> Floor  
Coral Gables, Florida 33134

S/ David J. Zack  
David J. Zack