UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

Plaintiff,

v.

STEVEN A. SILVERS, a Florida resident,

Defendant.

CASE NO. 05-80393-CIV-HURLEY
Magistrate Hopkins

DEFENDANT'S OPPOSITION TO EXTEND TEMPORARY RETRAINING ORDER

Defendant, Steven A. Silvers ("Silvers") opposes Stelor's motion to extend the TRO that will expire on June 21, 2005. As we set forth in our Objection to Magistrate's Report and Recommendation, and Motion to Strike Declaration of Steven A. Esrig, the injunctive relief should not have been granted in the first place because of Esrig's perjured testimony, and the illusionary harm to Stelor. In light of the *de novo* review, it makes sense for the Court to consider our Objection, and accompanying Motion to Strike before ruling on Stelor's Motion.

Moreover, pursuant to Rule 65 (b), a TRO shall expire by its own terms within such time after entry, not to exceed 10 days, unless good cause is shown. Stelor premised its entire request for preliminary injunctive relief on harm it would suffer without use of Silvers' googles.com domain name for the upcoming International Tradeshow in New York that ends June 23, 2005. Stelor has not made the requisite showing good cause to extend the TRO beyond June 23, 2005. In fact, the longer the TRO is in place, the greater the irreparable harm to Silvers because it has given Stelor ownership and quality control over Silvers' intellectual property and domain names, something Stelor never had under the License Agreement.

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For these reasons, the Court should deny the Motion.

Respectfully submitted,

s/ Gail A. McQuilkin

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 17th day of June, 2005, to: Kevin C. Kaplan, Daniel F. Blonsky and David Zack of Burlington Weil Schwiep Kaplan & Blonsky, P.A., 2699 S. Bayshore Drive, Penthouse A, Miami, FL 33133.

s/ Gail A. McQuilkin

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