

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Southern Division

COSTAR REALTY INFORMATION and	)	
COSTAR GROUP	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No. PJM-06-CV-655
	)	
ATKINSON HUNT, <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS' JOINT MOTION TO AMEND THE SCHEDULING ORDER**

Defendants, having conferred as to how the existing deadlines for expert disclosures and other discovery matters affect the ability of the parties to seek a settlement, and after discussions with Plaintiff, jointly move to amend the existing Scheduling Order as filed on August 29, 2006, and say as follows:

1. The Court entered a Scheduling Order on August 29, 2006.

2. On September 15, the Plaintiff filed an Amended Complaint. Plaintiff also served Interrogatories and Requests for Production of Documents.

3. In October, Defendants have answered the Amended Complaint. In addition to answering the Amended Complaint, Defendants filed Cross Claims.

4. Plaintiff has had separate settlement discussions with the Defendants during period from late September through November 2006. These discussions are ongoing and at this time appear to offer a reasonable possibility of resolving this case.

5. Plaintiff's discovery is extensive and may involve objections, protective orders, and motions. Likewise, Defendants will have interrogatories and requests for documents to serve on Plaintiff if this matter is not settled. All parties will notice and take depositions if this matter is not settled.

6. The main element of Plaintiff's damages claim is the Plaintiff's own attorney's fees incurred by Plaintiff in this action. For this reason, while settlement discussions are ongoing, Defendants have tried to minimize the litigation activities so as to avoid increasing Plaintiff's damages claim.

7. Counsel for Atkinson Hunt starts a two-week criminal jury trial before Judge Garbis on December 4.

8. The position of Plaintiff's counsel with respect to this request is that it does not object to or oppose the concept of extending discovery. The details of Plaintiff's position are set forth in its e-mail to counsel for Atkinson Hunt, attached as Exhibit A.

9. Defendants need additional time to conclude the settlement discussions and, if necessary, respond to and initiate discovery and to retain experts.

10. For these reasons Defendants request that the Court amend the deadlines in the Scheduling Order as follows:

February 12, 2007	Defendants' Rule 26(a)(2) disclosures re experts
February 28, 2007	Plaintiff's rebuttal Rule 26(a)(2) disclosures re experts
March 5, 2007	Rule 26(a)(2) supplementation of disclosures and responses
April 2, 2007	Discovery Deadline; submission of status report
April 9, 2007	Requests for Admission
April 30, 2007	Dispositive pretrial motions deadline

11. The granting of this Joint Motion will not alter or impact the trial of this case. No trial date has yet been scheduled by the Court in this action.

WHEREFORE, the Defendants request that the Court grant this Joint Motion and enter the attached Order.

/s/  
\_\_\_\_\_  
Francis J. Gorman, #00690  
Michael S. Yang, #25951  
GORMAN & WILLIAMS  
Two North Charles Street  
Baltimore, Maryland 21201  
Phone: (410) 528-0600  
Fax: (410) 528-0602

Attorneys for Defendant  
Atkinson Hunt

\_\_\_\_\_/s/  
Keith R. Truffer, #01153  
(Signed by Francis J. Gorman with  
permission of Keith R. Truffer)  
Royston, Mueller, McLean & Reid  
102 West Pennsylvania, Suite 600  
Towson, Maryland 21204  
Phone: (410) 823-1800

Attorneys for Defendant  
Resource Realty

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of November, 2006, a copy of the foregoing Joint Motion to Amend Scheduling Order was electronically filed and served in accordance with the electronic filing guidelines on:

Alan Saul Dalinka  
DLA Piper Rudnick Gray Cary US LLP  
203 N. LaSalle St., Ste 1900  
Chicago, Illinois 60601

Hugh J. Marbury  
DLA Piper Rudnick Gray Cary US LLP  
6225 Smith Avenue  
Baltimore, Maryland 21209-3600

Keith R. Truffer  
Royston Mueller McLean and Reid LLP  
102 W. Pennsylvania Ave., Ste. 600  
Towson, Maryland 21204  
Attorney for Defendant Resource Realty of  
Southern New Jersey

\_\_\_\_\_/s/  
Francis J. Gorman