

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

COSTAR REALTY INFORMATION,  
INC. et al.,

Plaintiffs

v.

Civil No.: 08-CV-01575-AW

KLEIN & HEUCHAN, INC., et al.,

Defendants

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**DEFENDANT'S MOTION FOR LEAVE TO FILE ITS  
SUPPLEMENTAL REPLY MEMORANDUM IN SUPPORT OF  
ITS MOTION TO DISMISS BASED ON RECENT EVENTS**

Defendant KLEIN & HEUCHAN, INC. (hereinafter "K&H"), by and through its undersigned counsel, hereby files this Motion for Leave to file a Supplemental Memorandum in Support of its Motion to Dismiss and as reasons therefore states:

**NEW FILINGS DIRECTLY IMPACT THE RELIEF REQUESTED**

On November 21, 2008, CoStar filed an Answer and Counter-Claim in the litigation pending in the United States District Court for the Middle District of Florida. K&H contends that this filing by CoStar directly affects the relief requested in its Motion to Dismiss. Although the filing of this Supplemental Reply is outside of the time limits in Local Rule 105(2), it is timely based on the new filing by CoStar and does not raise arguments that could have been made at the time of the filing of K&H's Reply Memorandum. Exhibit A – Supplemental Reply to Motion to Dismiss. It is also necessary in order to bring the Court's attention to the current procedural status of the litigation pending in the Middle District of Florida, which substantially

undermines CoStar's arguments raised in its Opposition in this Court. The interests of justice support that the Court permit the filing of this Supplemental Reply Memorandum.

On Thursday, November 25, 2008, Florida counsel contacted CoStar's counsel to determine whether CoStar had any objection to the filing of a brief Supplemental Reply Memorandum, but counsel declined to waive any such objection.

### CONCLUSION

K&H respectfully requests that this Court allow it to file the attached Supplement Reply.

Respectfully submitted,

/s/

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ND: 4846-4063-4883, v. 1

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<sup>1</sup> Admitted to the Bar of Florida. It is anticipated that counsel will request admission *pro hac vice* in this Court in the event that the case continues in this Court.