

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

COSTAR REALTY INFORMATION, INC.,  
and COSTAR GROUP, INC.,

Plaintiffs,

v.

KLEIN & HEUCHAN, INC. and  
SCOTT BELL,

Defendants.

Civil Action No. 8:08-cv-1575-AW

**COSTAR’S RESPONSE IN OPPOSITION TO DEFENDANT K&H’S  
MOTION FOR LEAVE TO FILE ITS SUPPLEMENTAL REPLY  
MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS**

Plaintiffs CoStar Realty Information and CoStar Group, Inc. (collectively, “CoStar”), by their attorneys, submit this Response in Opposition to Defendant Klein & Heuchan, Inc.’s (“K&H”) Motion for Leave to File its Supplemental Reply Memorandum in Support of its Motion to Dismiss Based on Recent Events (D.E. 19).

Local Rule 105.2.a prohibits surreply memoranda unless otherwise ordered by the court. K&H should not be granted leave to file a surreply (or a “supplemental reply”) because it has identified no new circumstances to justify its filing. K&H argues that CoStar’s opposition to K&H’s motion to dismiss is moot in light of the answer and counterclaim filed by CoStar in the parallel case pending before the District Court for the Middle District of Florida. D.E. 19 at 102; D.E. 19-2 at 2. But Costar’s filing of its answer and counterclaims in the Florida case – which was required once the Florida court denied CoStar’s motion to dismiss – does not change the fact that this Court is the appropriate venue for



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**CERTIFICATE OF SERVICE**

I hereby certify that service required by Fed. R. Civ. P. 5 was made, and that a true copy of the above document was served upon the attorneys of record by electronically filing the document with the Clerk of Court using the CM/ECF system, which caused a Notice of Electronic Filing (NEF) to be sent to the following on December 13, 2008:

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