

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

COSTAR REALITY INFORMATION,
INC. et al.,

Plaintiffs

v.

Civil No.: 08-CV-01575-AW

KLEIN & HEUCHAN, INC., et al.,

Defendants

_____ /

AFFIDAVIT OF MARK S. KLEIN

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared MARK S. KLEIN, who after first being duly sworn, deposes and says:

1. I am over the age of 18 and have personal knowledge of the statements made herein.
2. I am a real estate broker licensed in the State of Florida. I am also a Certified Commercial Investment Member (CCIM).
3. I am one of the founding members of Klein & Heuchan, Inc., (hereinafter "K&H") and am currently its sole shareholder.
4. K&H is a real estate company providing brokerage services, property management services and development services to clients in the Tampa Bay area.
5. K&H maintains two offices in Clearwater, Pinellas County, Florida.

6. In addition to myself, K&H has approximately 18 other Independent Service Professions that work out of K&H's two offices.

7. K&H's sole business contacts have been inside the State of Florida.

8. K&H has no offices or presence outside the State of Florida. K&H certainly has no office or presence in the State of Maryland.

9. K&H does not perform business outside of the State of Florida. K&H has never performed business in the State of Maryland.

10. K&H has never maintained a mailing address or telephone number outside of the State of Florida.

11. K&H has never owned, leased, rented or controlled any real property outside of the State of Florida.

12. K&H has never maintained any accounts at either savings and loan associations or banks outside the State of Florida.

13. K&H has never obtained or maintained any licenses outside of the State of Florida.

14. K&H has never signed any agreements with either COSTAR REALTY INFORMATION, INC. or COSTAR GROUP, INC. (hereinafter collectively "COSTAR").

15. For many years COSTAR has consistently attempted to convince me to purchase a subscription to COSTAR's online databases. I have never agreed to become a COSTAR subscriber.

16. In December of 2006 Mr. Scott Bell began working with K&H as an independent real estate sales agent.

17. As part of this arrangement, Mr. Bell earns a commission or "cut" from each transaction he is able to successfully close.

18. K&H does not pay Mr. Bell a salary or provide any kind of draw to Mr. Bell

19. K&H provides Mr. Bell with an office space and permits Mr. Bell to access the internet with his personal laptop computer.

20. K&H does not have any control over the hours Mr. Bell works or how Mr. Bell goes about his job duties.

21. I was never aware that Mr. Bell was unauthorized to access COSTAR internet databases.

22. I never instructed Mr. Bell to access COSTAR internet databases.

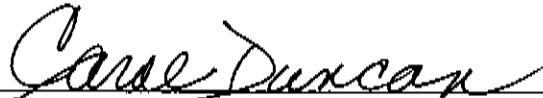
23. I am unaware of any time that K&H ever received any financial benefit from any alleged access of the COSTAR internet databases by Mr. Bell.

FURTHER AFFIANT SAYETH NAUGHT.



MARK S. KLEIN

SWORN TO and SUBSCRIBED before me this 28th day of July, 2008, by MARK S. KLEIN, who is personally known to me or has produced _____ as identification.



Signature of Notary Public

My Commission Expires:

