

The undersigned counsel certifies that he has conferred by telephone with Dr. Andrew J. Katsock, III, counsel for Third Party Defendant John M. Kiefer, Jr. and received his concurrence to the instant Motion.

A proposed Order is submitted herewith.

Respectfully submitted,

s/ Gary Peterson
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CERTIFICATE OF SERVICE

I certify that I electronically transmitted this document to the Clerk using the ECF System so as to cause transmittal of a Notice of a Electronic Filing to the following ECF registrant:

Andrew J. Katsock, III

Attorney for Babyage.com, Inc. and John M. Kiefer, Jr., on February 19, 2008.

s/ Gary Peterson