

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
DISTRICT COURT  
DIVISION  
05 JUN 24 AM 8:31  
INDIANA  
LAURA A. BRIGGS  
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pw

Daniel Wallace,

Plaintiff,

v.

Civil Complaint No. 1:05-cv-0618-JDT-TAB

Free Software

Foundation Inc.,

Defendant.

**PLAINTIFF'S ANSWER TO MOTION TO STAY BRIEFING  
ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

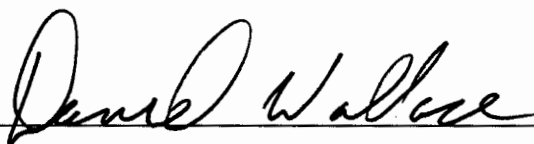
Plaintiff Daniel Wallace, *pro se*, files the following ANSWER in opposition to Defendant's MOTION TO STAY BRIEFING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT pending the resolution of Defendant FREE SOFTWARE FOUNDATION INC.'s Motion to Dismiss pursuant to Rule 12 (b)(6).

- 1.) On June 23, 2005, pursuant to Local Rule 7.1 Plaintiff Daniel Wallace timely filed his Answer to Defendant's Motion to Dismiss, along with his supporting brief.
- 2.) For the reasons set out in Plaintiff's answer brief on the Defendant's Motion to Dismiss, the Defendant's Motion to Dismiss fails on the basis of proper motion practice concerning Rule 12(b)(6) in the federal courts. See *Wright &*

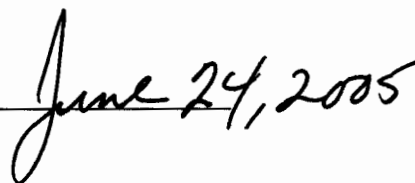
*Miller* 5B, sec. 1356 at 370 (citing *Swierkiewicz v. Sorema*, 534 U.S. 506).

3.) The Defendant's requested stay will unduly delay the prompt administration of justice.

WHEREFORE, Plaintiff Daniel Wallace requests the Court DENY any stay on briefing on Plaintiff's Motion for Summary Judgment pending its ruling on Defendant FREE SOFTWARE FOUNDATION INC.'s Motion to Dismiss on the ground that justice will be fully served.

  
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Daniel Wallace, *pro se*  
P.O. Box 572  
New Palestine, IN.  
317-861-6415

Dated: 

**Certificate of Service**

A copy of the foregoing was sent by first-class U.S. mail, postage prepaid,  
to counsel of record:

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Indianapolis, Indiana 46282-0200

Counsel for defendant FREE SOFTWARE FOUNDATION INC.

Dated this 24<sup>th</sup> day of June, 2005

  
\_\_\_\_\_  
Daniel Wallace