

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

DANIEL WALLACE, )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No. 1:05-cv-678-SEB-VSS  
 )  
 INTERNATIONAL BUSINESS MACHINES )  
 CORPORATION, RED HAT, INC., and NOVELL, )  
 INC., )  
 )  
 Defendants.

**RED HAT'S UNOPPOSED MOTION  
FOR ADDITIONAL EXTENSION OF TIME**

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Defendant Red Hat, Inc., respectfully moves for a five (5) day additional extension of time in which to answer or otherwise respond to Plaintiff's Complaint. In support of its Motion, Red Hat would show the Court:

1. Undersigned counsel represent both Red Hat and Defendant Novell, Inc. ("Novell"), in this action.
2. Pursuant to the Notice of Initial Extension of Time filed pursuant to L.R. 6.1, Red Hat's response to Plaintiff's Complaint is due no later than July 1, 2005, and this time has not yet expired.
3. Pursuant to the Notice of Initial Extension of Time filed pursuant to L.R. 6.1, Novell's response to Plaintiff's Complaint is due no later than July 6, 2005, and this time has not yet expired.
4. Undersigned counsel anticipate that, in the interests of economy, Red Hat and Novell will jointly file a response to Plaintiff's Complaint.

5. In order to facilitate a joint response, undersigned counsel reasonably request a short extension of time (*i.e.*, five days) for Red Hat's response so that it will be due the same day as Novell's response on July 6, 2005.

6. This motion is not made for the purpose of delay but solely for the purpose set out above.

7. On June 30, 2005, undersigned counsel, Curtis W. McCauley, conferred with Plaintiff, who indicated that he would have no opposition to this Motion.

WHEREFORE, Red Hat prays for the Court to extend the deadline for its response to Plaintiff's Complaint by five days, to and including July 6, 2005, and for all other necessary and proper relief.

Respectfully submitted,



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Philip A. Whistler (#1205-49)

Curtis W. McCauley (#16456-49)

Attorneys for Defendants Red Hat, Inc., and  
Novell, Inc.

ICE MILLER  
One American Square Box 82001  
Indianapolis, IN 46282-0002  
317.236.2100

**CERTIFICATE OF SERVICE**

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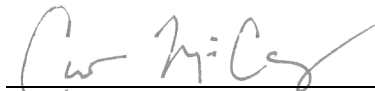
The undersigned hereby certifies that on the 30th day of June 2005, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Michael Gottschlich  
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Kendall H. Millard  
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The undersigned hereby certifies that on the 30th day of June 2005, a copy of the foregoing has been deposited in the U.S. mail, first class postage prepaid, addressed to:

Daniel Wallace  
P.O. Box 572  
New Palestine, IN 46163

  
\_\_\_\_\_  
Curtis W. McCauley

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