

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DANIEL WALLACE,)	
)	
Plaintiff,)	
)	
v.)	Civil Complaint No.: 1:05-cv-0678-JDT-VSS
)	
INTERNATIONAL BUSINESS)	
MACHINES CORPORATION;)	
RED HAT INC.;)	
NOVELL, INC.,)	
)	
Defendants.)	

MOTION TO CONTINUE PRETRIAL CONFERENCE

Defendant International Business Machines Corporation (“IBM”), with the consent of all parties, moves to continue the pretrial conference, and in support of this motion states as follows:

1. The pretrial conference is currently scheduled for July 28, 2005, at 2:30 pm, before Magistrate Judge V. Sue Shields.
2. Undersigned counsel for IBM is unavailable at that time due to a previously scheduled trial in New York.
3. Counsel for IBM has contacted plaintiff Daniel Wallace, who stated he had no objection to continuing the pretrial conference. Counsel for the other defendants, Red Hat Inc., and Novell, Inc., also stated they had no objection to continuing the pretrial conference.
4. All parties stated they would be available anytime during the day between August 16, 2005, and August 19, 2005.

WHEREFORE, IBM respectfully requests a continuance of the pretrial conference on a day between August 16 and 19, 2005, or as the Court’s schedule permits.

Respectfully submitted,

s/ Michael Gottschlich

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Attorneys for Defendant, International
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of July, 2005, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following by operation of the Court's electronic filing system:

Curtis W. McCauley	mccauley@icemiller.com
Philip A. Whistler	philip.whistler@icemiller.com

The above filing will also be served via U.S. mail on the following, and all attorneys that the Court's notice of delivery indicates will be delivered by other means:

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

s/ Kendall Millard
Kendall Millard