

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

DANIEL WALLACE,)
)
 Plaintiff,)
)
 v.)
)
 INTERNATIONAL BUSINESS)
 MACHINES CORPORATION;)
 RED HAT INC.;)
 NOVELL, INC.,)
)
 Defendants.)

Motion to stay pretrial conference denied; motion to stay briefing on motion to stay briefing on motion for summary judgment will be discussed and considered at the initial pretrial conference.
VSS, M.J. 8/15/2005

Civil Complaint No.: 1:05-cv-0678-RLY-VSS

**MOTION TO STAY BRIEFING
ON PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
AND TO STAY PRETRIAL CONFERENCE**

Defendant, International Business Machines Corporation (“IBM”), with the consent of Plaintiff Daniel Wallace and Defendants Red Hat, Inc. (“Ret Hat”) and Novell, Inc. (“Novell”), moves to stay the briefing on Plaintiff’s Motion for Summary Judgment and stay any pretrial conferences pending the resolution of IBM’s and the other Defendants’ Motions to Dismiss the Amended Complaint. In further support of this Motion, IBM states the following:

1. On May 9, 2005, Plaintiff filed his original Complaint.

2. On June 30, 2005, IBM timely filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6), along with a supporting brief. Plaintiff filed a Motion for Summary Judgment on the same day.

3. On July 1, 2005, Plaintiff filed his Response to IBM’s Motion to Dismiss.