

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

DANIEL WALLACE,)	
)	
Plaintiff,)	
vs.)	1:05-cv-0678-RLY-VSS
)	
INTERNATIONAL BUSINESS MACHINES)	
CORPORATION, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. With respect to the status conference conducted on August 18, 2005, the parties shall proceed as directed and agreed at that conference.

2. Because motions to dismiss are pending, the court deems the plaintiff's motion for summary judgment premature in this case. The motion for summary judgment is **denied without prejudice**.

3. IBM's motion to stay briefing of the plaintiff's motion for summary judgment, filed on August 9, 2005, is **denied as moot**.

4. The motion of Red Hat, Inc., and of Novell, Inc., for an extension of time to file a reply brief in support of their motion to dismiss is **granted**. The reply brief of these defendants filed on September 1, 2005, is deemed to have been timely filed.

IT IS SO ORDERED.

Date: _____

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