

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF INDIANA  
 INDIANAPOLIS DIVISION

KNOWLEDGEAZ, INC.,	)	
Plaintiff,	)	
	)	
vs.	)	1:05-cv-1019- RLY-WTL
	)	
JIM WALTER RESOURCES, INC., GUY	)	
HENSLEY, DENNIS SEIPEL, DANIEL	)	
MADDOX, NICKELLIE, LLC and	)	
ACTION AUTHORITY, LLC,	)	
Defendants.	)	

**ORDER DENYING MOTION FOR DEFAULT DAMAGES  
 WITH LEAVE TO REFILE**

Pursuant to the court’s direction, a default was entered by the Clerk against Defendant, Nickellie, LLC, on September 8, 2006. Plaintiff, Knowledgeaz, Inc., filed a Motion For Default Judgment Damages (Docket # 215), wherein it sought to prove its damages against Nickellie, LLC. Initially, a hearing date was set for August 17, 2007. However, on August 8, 2007, Nickellie’s codefendants moved to vacate the August 17, 2007, damages hearing on the grounds that determining Nickellie’s damages before determining the remaining Defendants’ liability was premature. Noting that the codefendants could be held jointly and severally liable, this court agreed that it would be premature to determine the default damages issue until the codefendants’ liability was determined and vacated the damages hearing in an order dated August 16, 2007. At that time the court left Plaintiff’s motion for default damages pending, but there has been no

quick resolution to this lawsuit and it continues down its litigation path.

There is no need to clog the docket with a motion that has no current relevance to the litigation. Accordingly, Plaintiff's Motion For Default Judgment Damages (Docket # 215) is **DENIED**, with leave to refile the same following a determination of the issue of the liability of all the codefendants.

**IT IS SO ORDERED**, this 8th day of February 2008.



RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Electronic Copies to:

Kevin M. Boyle  
OVERHAUSER LAW OFFICE  
kboyle@overhauser.com

Jason L. Fulk  
HOOVER HULL LLP  
jfulk@hooverhull.com

Kandi Kilkelly Hidde  
BINGHAM MCHALE LLP  
khidde@binghammchale.com

John T L Koenig  
BARNES & THORNBURG LLP  
jkoenig@btlaw.com

Paul B. Overhauser  
OVERHAUSER LAW OFFICES  
poverhauser@overhauser.com

Rafael A. Sanchez  
BINGHAM MCHALE LLP  
rsanchez@binghammchale.com

Dennis Scott Schell  
OVERHAUSER LAW OFFICE  
dschell@overhauser.com

Stephen Lewis Vaughan  
INDIANO VAUGHAN LLP  
steve@iplawindiana.com

DANIEL MADDOX  
13550 Uhl Lane NW  
Palmyra, IN 47164