

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NIKISH SOFTWARE CORPORATION)	
and KISHIN BHARWANI,)	
Plaintiffs,)	
)	
vs.)	1:07-cv-358-RLY-DML
)	
MANATRON, INCORPORATED)	
Defendant.)	
)	
<hr style="border: 0.5px solid black;"/>)	
)	
MANATRON, INCORPORATED,)	
Counter-Plaintiff,)	
)	
vs.)	
)	
NIKISH SOFTWARE CORPORATION)	
and KISHIN BHARWANI,)	
Counter-Defendants.)	

ORDER ON PENDING MOTIONS

Before the court are the following motions: (1) Plaintiffs’ Motion Under FED. R. Civ. P. 15(c) for Partial Judgment on the Pleadings Regarding Defendant’s Counterclaims; (2) Plaintiffs’ Request for Oral Argument by Plaintiffs in Support of Their Motion Under FED. R. Civ. P. 12(c) for Partial Judgment on the Pleadings Regarding Defendant’s Counterclaims; and (3) Manatron Incorporated’s (“Manatron”) Motion to Strike Portions of Nikish’s Reply Brief in Support of Motion for Partial Judgment on the Pleadings Or, in the Alternative, Motion for Leave to File Surreply. The court, having

reviewed the motions, now finds that the particular issues raised are best addressed on a motion under FED. R. CIV. P. 56 for summary judgment. Accordingly, the court **DENIES** Plaintiffs' Motion Under FED. R. CIV. P. 15(c) for Partial Judgment on the Pleadings Regarding Defendant's Counterclaims (Docket # 73); **DENIES** as **MOOT** Plaintiffs' Request for Oral Argument by Plaintiffs in Support of Their Motion Under FED. R. CIV. P. 12(c) for Partial Judgment on the Pleadings Regarding Defendant's Counterclaims (Docket # 82); and **DENIES** as **MOOT** Manatron Incorporated's Motion to Strike Portions of Nikish's Reply Brief in Support of Motion for Partial Judgment on the Pleadings (Docket # 85).

SO ORDERED this 2nd day of February 2010.



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

Electronic Copies to:

G. Christopher Bernard
BODMAN LLP
cbernard@bodmanllp.com

James Dimos
FROST BROWN TODD LLC
jdimos@fbtlaw.com

Richelle Marie Harris
FROST BROWN TODD LLC
rharris@fbtlaw.com

Susan M. Kornfield
BODMAN LLP
skornfield@bodmanllp.com

J. Lee McNeely
MCNEELY STEPHENSON THOPY & HARROLD
jlmcneely@msth.com

Brady J. Rife
MCNEELY STEPHENSON THOPY & HARROLD
bjrife@msth.com

Joel E. Tragesser
FROST BROWN TODD LLC
jtragesser@fbtlaw.com