

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| NERDS ON CALL, INC.,             | ) |                               |
|                                  | ) |                               |
| Plaintiff,                       | ) |                               |
|                                  | ) |                               |
| v.                               | ) | CASE NO. 1:07-cv-0535-DFH-TAB |
|                                  | ) |                               |
| INTERNET BILLING SERVICES, INC., | ) |                               |
| and RYAN ELDRIDGE, Individually, | ) |                               |
|                                  | ) |                               |
| Defendants.                      | ) |                               |

**PLAINTIFF’S UNOPPOSED REQUEST FOR EXTENSION OF TIME  
TO RESPOND TO DEFENDANTS’ COUNTERCLAIMS**

Comes now Plaintiff, NERDS ON CALL, INC., by counsel, Theodore J. Minch, and respectfully requests a thirty (30) day extension of time to respond to Defendants’ Counterclaims, and in support, alleges and says as follows:

1. Defendants filed their Answer and Counterclaims on December 19, 2007 (hereinafter the “Counterclaims”).

2. In accordance with Fed.R.Civ.Pro 12(B), Plaintiff’s response to the Counterclaims was due on January 8, 2008; Plaintiff has not previously requested an extension of time to respond to the Counterclaims.

3. As a result of counsel for Plaintiff’s court and trial schedules, some of which are out of state in the Southern District of New York and the Central District of California, counsel for Plaintiff has not had adequate opportunity to complete Plaintiff’s response to the Counterclaims.

4. Plaintiff, by counsel, contacted Defendants, by counsel, on this date, January 8, 2008 with regard to this request for extension of time; based upon the foregoing circumstances,

Defendants, by counsel, have no objection to the entry of a thirty (30) day extension of time until and including February 7, 2008 for Plaintiff to file its response to the Counterclaims.

5. This request is not for the purpose of undue delay, is just, necessary, and proper in light of the foregoing circumstances, and should this request be denied, Plaintiff will be irreparably and unjustly prejudiced.

WHEREFORE, Plaintiff, NERDS ON CALL, INC., by counsel Theodore J. Minch, hereby respectfully requests the Court grant Plaintiff a thirty (30) day extension of time until and including February 7, 2008 for Plaintiff to file Plaintiff's Response to Defendants' Counterclaims, and for all other appropriate and just relief in the premises.

Dated: January 8, 2008

Respectfully submitted,

/s/ Theodore J. Minch  
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### **PROOF OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon the following counsel for record this 8<sup>th</sup> day of January, 2008 via electronic mail only:

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