

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NERDS ON CALL, INC. (INDIANA),

Plaintiff,

vs.

NERDS ON CALL, INC. (CALIFORNIA)
and RYAN ELDRIDGE,

Defendants.

Case No.: 1:07-cv-0535-DFH-TAB

**MOTION TO CONVERT THE PENDING
MOTION TO DISMISS INTO A MOTION FOR SUMMARY JUDGMENT**

Defendants Nerds on Call, Inc., and Ryan Eldridge (collectively “Nerds/California”) respectfully request that the Court convert their currently pending Motion to Dismiss for lack of personal jurisdiction into a Motion for Summary Judgment on that issue.

Subsequent to the Parties filing their briefs on the personal jurisdiction issue, they completed filing their pleadings, engaged in some discovery, and stipulated to numerous Undisputed Facts. Whether this Court may properly assert jurisdiction over Nerds/California is a fundamental due process question. Applying the Undisputed Facts to the matter allows the Court to resolve early in the case whether it has personal jurisdiction over Nerds/California.

Respectfully submitted,

DATED: December 19, 2008

SEQUOIA COUNSEL PC

By: /s/ DANIEL N. BALLARD

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