

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

**PROPOSED ORDER ON THE MOTION
TO CONVERT NERD/CALIFORNIA'S MOTION TO DISMISS
INTO A MOTION FOR SUMMARY JUDGMENT**

Currently before the Court are two motions by Defendants Nerds On Call, Inc. and Ryan Eldridge (cumulatively "Nerds/California"): a Motion to Reconsider [Dkt. 52] the denial of their Motion to Dismiss for lack of personal jurisdiction and a Motion to Convert [Dkt. 66] the Motion to Dismiss into a Summary Judgment Motion. Plaintiff Nerds On Call, Inc. ("Nerds/Indiana") was provided the opportunity to, and has, responded to both motions.

The Court has considered the Motion to Convert and the arguments of the parties. Good cause appearing, the motion is granted. Nerds/California's Motion to Dismiss [Dkt. 15], to the extent that it seeks dismissal of this action based on lack of personal jurisdiction, shall hereafter be governed by the Rule 56 standards for a Motion for Summary Judgment. All briefs and materials relating to the Motion to Dismiss [Dkt. 15] and the Motion for Reconsideration [Dkt. 52] will be considered.

In addition, pursuant to Rule 12(c), Nerds/Indiana may file a Response brief that complies with Rule 56 and S.D.Ind.L.R 56-1 no later than _____, 2009 to which

Nerds/California may Reply no later than _____, 2009.

IT IS SO ORDERED.

Dated: _____, 200__

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Pursuant to S.D.Ind.L.R 5-1(a)(5) this Proposed Order notes that the following counsel have been electronically served.

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