

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LIFEWISE, INC.

Plaintiff,

v.

ZACHARY PARRISH

Defendant.

Case No.: 1:24-cv-00268-SLC

DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Defendant Zachary Parrish, by Counsel, pursuant to Trial Rule 12(B)(6), files his Motion to Dismiss for Failure to State a Claim for the reasons that the Defendant cannot be held liable for copyright infringement as claimed in Plaintiff LifeWise, Inc.’s Complaint. As set forth more fully in the Defendant’s Brief in Support and Motion to Take Judicial Notice accompanying this Motion, the facts alleged in Plaintiff’s Complaint are insufficient to state any claim against Defendant Zachary Parrish as Defendant’s use was “fair use” for purposes of Section 107 of the Copyright Act.

Respectfully Submitted,

BARRETT MCNAGNY LLP

/s/ William A. Ramsey _____

William A. Ramsey, #26547-53

215 E. Berry Street

Fort Wayne, IN 46802

Telephone: (260) 423-9551

Fax: (260) 423-8920

Email: war@barrettllaw.com

Attorneys for Defendant Zachary Parrish

CERTIFICATE OF SERVICE

I hereby certify that on the 26th of August 2024, I caused the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which shall provide notification by email of such filing to all counsel of record.

William A. Ramsey
William A. Ramsey