

FILED
DISTRICT OF UTAH

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APR 29 2003

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

CALDERA SYSTEMS, INC.

Plaintiff

v.

INTERNATIONAL BUSINESS MACHINES CORP.

Defendant.

* CASE NO. 2:03CV294 PCC

* Appearing on behalf of:

* CALDERA SYSTEMS, INC.

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, MARK F. JAMES, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: April 28, 2003


(Signature of Local Counsel)

5295
(Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, STEPHEN NEAL ZACK, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates MARK F. JAMES as associate local counsel.

Date: 4/22, 2003

Check here if petitioner is lead counsel.


(Signature of Petitioner)

Name of Petitioner: STEPHEN N. ZACK Office Telephone: (305) 539-8400
(Area Code and Main Office Number)

Business Address: Boies, Schiller & Flexner LLP
(Firm/Business Name)
100 S.E. 2nd Street, Ste. 2800, Miami, Florida 33131
Street City State Zip

14

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
U.S. Court of Appeals		1986
Fifth Circuit		1986
Eleventh Circuit		1986
U.S. District Court, Southern & Northern	Florida	1986
New York		1982
Florida		1972

(If additional space is needed, attach separate sheet.)

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE	CASE NUMBER	DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 30th day of April, 2003.



U.S. District Judge

FEE PAID



The Florida Bar

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

650 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLABAR.ORG

State of Florida)

County of Leon)

In Re: 145215
Stephen Neal Zack
Nations Bank Tower, Ste. 2800
100 S.E. 2nd St.
Miami, Florida

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on May 03, 1972.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 12th day of March, 2003.

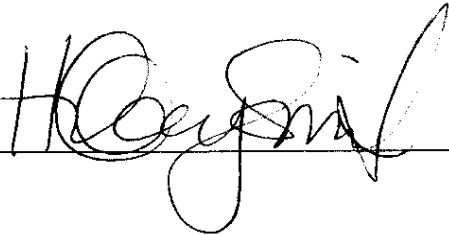
Willie Mae Shepherd
Supervisor, Membership Records
The Florida Bar

WMS/dsw10:R10

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed by U.S. mail, first class postage prepaid, this 29 day of April, 2003, addressed to the following:

Alan L. Sullivan
Todd M. Shaughnessy
SNELL & WILMER
15 West South Temple, Ste. #1200
Salt Lake City, Utah 84101



A handwritten signature in black ink, appearing to read "Todd M. Shaughnessy", is written over a horizontal line.

RECEIVED CLERK

APR 30 2003

APR 23 2003

MARKUS B. ZIMMER, CLERK BY DEPUTY CLERK

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CALDERA SYSTEMS, INC.

Plaintiff

v.

INTERNATIONAL BUSINESS MACHINES CORP.

Defendant.

CASE NO. 2:03CV294 PGC

Appearing on behalf of:

CALDERA SYSTEMS, INC

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, MARK F. JAMES, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: April 28, 2003 Mark F James 5295 (Signature of Local Counsel) (Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, MARK J. HEISE, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) X a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates MARK F. JAMES as associate local counsel.

Date: April 22, 2003 Check here X if petitioner is lead counsel.

(Signature of Petitioner)

Name of Petitioner: MARK J. HEISE Office Telephone: (305) 539-8400 (Area Code and Main Office Number)

Business Address: Boies, Schiller & Flexner LLP (Firm/Business Name) 100 S.E. 2nd Street, Ste. 2800, Miami, FL 33131 Street City State Zip

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
U.S. Supreme Court		1992
Eleventh Circuit Court of Appeals		1990
Ninth Circuit Court of Appeals		1992
U.S. District Courts	Southern, Middle Dist. of Fla.	1990
U.S. District Court	Eastern District of Michigan	1999
United States Court of Federal Claims		1990
Florida		1988

(If additional space is needed, attach separate sheet.)

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
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(If additional space is needed, attach a separate sheet.)

ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 30th day of April, 2003.



U.S. District Judge

FEE PAID



The Florida Bar

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

650 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLABAR.ORG

State of Florida)

County of Leon)

In Re: 771090
Mark Jurgen Heise
Boise, Schiller and Flexner, LLP
100 S.E. 2nd St., Ste. 2800
Miami, Florida

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on September 30, 1988.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 12th day of March, 2003.


Willie Mae Shepherd
Supervisor, Membership Records
The Florida Bar

WMS/dsw10:R10

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed by U.S. mail, first class postage prepaid, this 29 day of April, 2003, addressed to the following:

Alan L. Sullivan
Todd M. Shaughnessy
SNELL & WILMER
15 West South Temple, Ste. #1200
Salt Lake City, Utah 84101



APR 30 2003

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CALDERA SYSTEMS, INC.
Plaintiff

v.

INTERNATIONAL BUSINESS MACHINES CORP.
Defendant.

*
* CASE NO. 2:03CV294 PGC
*
* Appearing on behalf of:
*
* CALDERA SYSTEMS, INC.
* (Plaintiff/Defendant)
*

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, MARK F. JAMES, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: April 28, 2003 Mark F. James 5295
(Signature of Local Counsel) (Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, DEBRA WEISS GOODSTONE, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) X a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates MARK F. JAMES as associate local counsel.

Date: April 22, 2003. Check here if petitioner is lead counsel.

[Signature]
(Signature of Petitioner)

Name of Petitioner: DEBRA WEISS GOODSTONE Office Telephone: (305) 539-8400
(Area Code and Main Office Number)

Business Address: Boies, Schiller & Flexner LLP
(Firm/Business Name)
100 S.E. 2nd Street, Ste. 2800, Miami, Florida 33131
Street City State Zip

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
U.S. District Court, Southern District of Florida		1980
U.S. Supreme Court		1981
U.S. Court of Appeals		1981
Fifth Circuit		
Eleventh Circuit		
Florida		1977
New York		1986

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PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

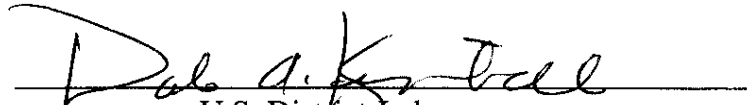
CASE TITLE	CASE NUMBER	DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 30th day of April, 2003.



U.S. District Judge

FEE PAID



The Florida Bar

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

650 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLABAR.ORG

State of Florida)

County of Leon)

In Re: 231843
Debra Weiss Goodstone
Boies Schiller & Flexner, LLP
100 S.E. 2nd St., Ste. 2800
Miami, Florida

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on May 31, 1977.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 12th day of March, 2003.

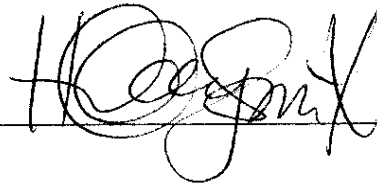
Willie Mae Shepherd
Supervisor, Membership Records
The Florida Bar

WMS/dsw10:R10

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed by U.S. mail, first class postage prepaid, this 29 day of April, 2003, addressed to the following:

Alan L. Sullivan
Todd M. Shaughnessy
SNELL & WILMER
15 West South Temple, Ste. #1200
Salt Lake City, Utah 84101



FILED IN UNITED STATES DISTRICT COURT DISTRICT OF UTAH

RECEIVED CLERK

APR 29 2003

U.S. DISTRICT COURT

APR 30 2003

MARKUS B. ZIMMER, CLERK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

<p><u>CALDERA SYSTEMS, INC.</u> Plaintiff</p> <p style="text-align: center;">v.</p> <p><u>INTERNATIONAL BUSINESS MACHINES CORP.</u> Defendant.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>CASE NO. <u>2:03CV294 PGC</u></p> <p>Appearing on behalf of:</p> <p><u>CALDERA SYSTEMS, INC.</u> (Plaintiff/Defendant)</p>
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MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Mark F. James, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: April 28, 2003 Mark F. James 5295
(Signature of Local Counsel) (Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, David Boies, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Mark F. James as associate local counsel.

Date: April 22, 2003. Check here if petitioner is lead counsel.

David Boies
(Signature of Petitioner)

Name of Petitioner: DAVID BOIES Office Telephone: (914) 749-8200
(Area Code and Main Office Number)

Business Address: Boies, Schiller & Flexner LLP
(Firm/Business Name)
333 Main Street Armonk New York 10504
Street City State Zip

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED

LOCATION

DATE OF ADMISSION

(See Attached List)

(If additional space is needed, attach separate sheet.)

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE

CASE NUMBER

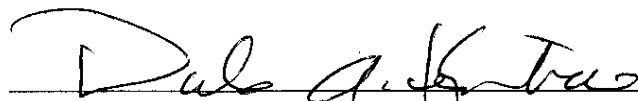
DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 30th day of April, 2003.



U.S. District Judge

FEE PAID

<u>Name of Court</u>	<u>Date of Admission</u>
State of New York	1967
United States District Court, Southern District of New York	1991
United States District Court, Eastern District of New York	1981
United States Court of Appeals, Second Circuit	1967
United States Court of Appeals, Third Circuit	1995
United States Court of Appeals, Fourth Circuit	2001
United States Court of Appeals, Fifth Circuit	1984
United States Court of Appeals, Seventh Circuit	2002
United States Court of Appeals, Ninth Circuit	1972
United States Court of Appeals, Tenth Circuit	1973
United States Court of Appeals, Eleventh Circuit	2002
United States Court of Appeals, Federal Circuit	2001
United States Court of Appeals, District Of Columbia Ct.	1985
United States Supreme Court	1974
United States District Court, District Court of Colorado	2000
United States Court of International Trade	1982

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

NEW YORK

CERTIFICATE OF
GOOD STANDING

I, J. Michael McMahon, Clerk of this Court, certify that

DAVID BOIES

, Bar#

DB4399

was duly admitted to practice in this Court on

SEPTEMBER 6, 1991

DATE

, and is in good standing

as a member of the Bar of this Court.

Dated at


White Plains, New York

LOCATION

on MARCH 12, 2003


CLERK

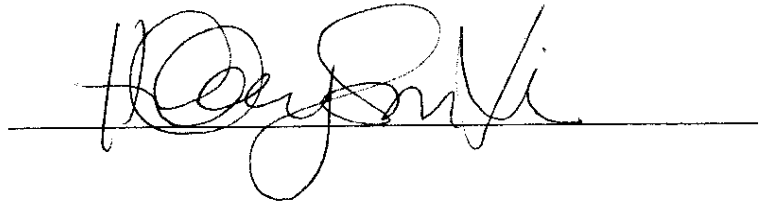
J. Michael McMahon
CLERK OF COURT


PATRICK MORAN
DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed by U.S. mail, first class postage prepaid, this 29 day of April, 2003, addressed to the following:

Alan L. Sullivan
Todd M. Shaughnessy
SNELL & WILMER
15 West South Temple, Ste. #1200
Salt Lake City, Utah 84101

A handwritten signature in cursive script, appearing to read "Alan L. Sullivan", is written over a horizontal line.

United States District Court
for the
District of Utah
May 2, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent O. Hatch, Esq.
HATCH JAMES & DODGE
10 W BROADWAY STE 400
SALT LAKE CITY, UT 84101
JFAX 9,3636666

Fred O. Goldberg, Esq.
BERGER SINGERMAN
200 S BISCAYNE BLVD STE 1000
MIAMI, FL 33131

Mark J. Heise, Esq.
BOIES SCHILLER & FLEXNER
100 S.E. 2ND ST STE 2800
MIAMI, FL 33131

Stephen Neal Zack, Esq.
BOIES SCHILLER & FLEXNER
100 S.E. 2ND ST STE 2800
MIAMI, FL 33131

Debra Weiss Goodstone, Esq.
BOIES SCHILLER & FLEXNER
100 S.E. 2ND ST STE 2800
MIAMI, FL 33131

David Boies, Esq.
BOIES SCHILLER & FLEXNER
100 S.E. 2ND ST STE 2800
MIAMI, FL 33131

Mr. Alan L Sullivan, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Evan R. Chesler, Esq.
CRAVATH SWAINE & MOORE

825 EIGHTH AVE
NEW YORK, NY 10019