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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

CALDERA SYSTEMS, INC, d/b/a/ THE
SCO GROUP,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendants.

**STIPULATION AND JOINT MOTION FOR
AMENDMENT TO SCHEDULING ORDER
DATED JULY 10, 2003**

Civil No. 2:03cv0294

Honorable Dale A. Kimball

Magistrate Judge David Nuffer

FILED
U.S. DISTRICT COURT
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DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

The parties, through their counsel of record, hereby stipulate and jointly move the Court for an Order amending the Court's Scheduling Order dated July 10, 2003. Specifically, the parties respectfully request the following:

(1) The parties have agreed to eliminate the requirement of exchanging initial disclosures because both parties have exchanged extensive written discovery covering some or all of the matters otherwise required to be disclosed by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

(2) The parties have agreed that the disclosure of experts and the subject matter of their testimony should take place at the times and in the manner set forth in paragraph II.e. of the Scheduling Order. The parties believe that the orderly disposition of this case would be best served by adhering to these deadlines and not, as required by footnote 1 of the Scheduling Order, identifying experts and the subject of their testimony at the time they are retained or, in the case of an employee-expert, at the time they are directed to prepare a report.

For these reasons, the parties jointly request that the Court amend the current scheduling order. A proposed form of order is submitted herewith for the Court's consideration.

DATED this 5th day of September, 2003.

SNELL & WILMER L.L.P.
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Todd M. Shaughnessy

CRAVATH, SWAINE & MOORE
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By 
*Counsel for Defendant International Business
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DATED this 4th day of September, 2003.

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By 
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