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Attorneys for The SCO Group, Inc.

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

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF
MARK F. JAMES REGARDING
SCO'S OBJECTIONS TO THE
MAGISTRATE COURT'S ORDER
DENYING SCO'S MOTION FOR
RELIEF FOR IBM'S SPOILIATION OF
EVIDENCE**

**FILED IN REDACTED FORM
[ORIGINALLY FILED UNDER SEAL]**

Case No. 2:03CV0294DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

MAR 16 2007

BY D. MARK JONÉS, CLERK
DEPUTY CLERK

SEALED

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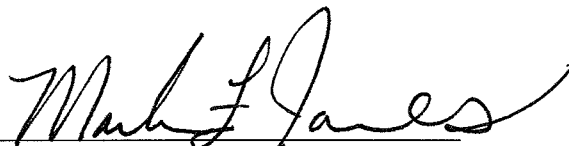
I, Mark F. James, declare as follows:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.
2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for the Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., in the pending motion.
3. Attached as hereto and filed herewith are true and correct copies of the following documents:

<u>EXHIBIT</u>	<u>DOCUMENT DESCRIPTION</u>
1	January 18, 2007 Hearing Transcript
2	March 2, 2007 Order
3	Email from Randy Swanberg dated April 8, 2003, bearing Bates number 181019724, and marked as Deposition Exhibit 682
4	November 18, 2005 Deposition Transcript Excerpts of Daniel D. Frye
5	March 10, 2006 Deposition Transcript Excerpts of Mark Brown
6	December 2, 2005 Deposition Transcript Excerpts of Paul E. McKenney
7	Email from gone@linux.ibm.com dated November 13, 2001, bearing Bates number 181524791-93, and marked as Deposition Exhibit 435
8	Consulting Times, <u>Inside IBM – Dan Frye and the Linux Technology Center</u> , located at www.consultingtimes.com/articles/ibm/frye/fryeinterview.html

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of March, 2007.


 Mark F. James