

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple, #1200  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

RECEIVED CLERK  
**FILED**  
2004 AUG -4 P 5:47

U.S. DISTRICT COURT  
DISTRICT OF UTAH

VA

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**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 AMY F. SORENSON IN  
SUPPORT OF IBM'S MEMORANDUM IN  
OPPOSITION TO SCO'S "RENEWED"  
MOTION TO COMPEL**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

**ORIGINAL**

299

I, Amy F. Sorenson, declare as follows:

1. I represent IBM in the lawsuit brought by SCO against IBM, entitled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003). This declaration is submitted in support of Defendant/Counterclaim-Plaintiff IBM's Memorandum in Opposition to SCO's "Renewed" Motion to Compel.

2. Attached hereto are true and correct copies of the following documents:

- (a) Exhibit 1 is a letter from Peter Ligh to Mark J. Heise, dated June 16, 2004.
- (b) Exhibit 2 is a letter from Mark J. Heise to Peter Ligh, dated July 6, 2004.
- (c) Exhibit 3 is SCO's Memorandum in Support of Its Motion to Compel, dated November 4, 2003.
- (d) Exhibit 4 is SCO's First Request for Production of Documents and First Set of Interrogatories, dated June 24, 2003.
- (e) Exhibit 5 is IBM's Second Supplemental Responses and Objections to SCO's First Set of Interrogatories, dated April 19, 2004.
- (f) Exhibit 6 is a letter from Peter Ligh to Mark J. Heise, dated April 19, 2004.
- (g) Exhibit 7 is SCO's Second Set of Interrogatories and Second Request for Production for Production of Documents, dated December 4, 2003.
- (h) Exhibit 8 is a letter from Peter Ligh to Mark J. Heise, dated March 9, 2004.

(i) Exhibit 9 is a letter from Mark J. Heise to Peter Ligh, dated March 26, 2004.

(j) Exhibit 10 is a letter from Mark J. Heise to Peter Ligh, dated June 4, 2004.

(k) Exhibit 11 is SCO's Supplemental Answer to IBM's Interrogatory Number Ten, dated October 10, 2003.

(l) Exhibit 12 is a chart identifying individuals from whom SCO produced documents but did not identify in its interrogatory responses.


(m) Exhibit 13 is Attachments A and F from IBM's Third Supplemental Responses and Objections to SCO's First Set of Interrogatories, served on August 4, 2004.

(n) Exhibit 14 is a letter from Peter Ligh to Mark J. Heise, dated August 4, 2004.

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

Executed: August 4<sup>th</sup>, 2004.

Salt Lake City, Utah

  
\_\_\_\_\_  
Amy F. Sorenson

**CERTIFICATE OF SERVICE**


I hereby certify that on the 4<sup>th</sup> day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

Brent O. Hatch (w/ exhibits)  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

and was sent by U.S. Mail, postage prepaid, to the following:

Stephen N. Zack (w/o exhibits)  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

Robert Silver (w/ exhibits)  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504

  
\_\_\_\_\_  
Amy F. Sorenson