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Attorneys for The SCO Group, Inc.

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

THE SCO GROUP,

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**DECLARATION OF BRENT O.
HATCH REGARDING THE
EXHIBITS TO SCO'S
MEMORANDUM FOR RELIEF FOR
IBM'S SPOILIATION OF EVIDENCE**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

I, Brent O. Hatch, declare:

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 Plaintiff, The SCO Group, Inc., in the pending action.

3. Attached to SCO's Memorandum for Relief for IBM's Spoliation of Evidence ("SCO's Memo for Relief-SPOLIATION") and filed therewith as Exhibit A is a true and correct copy of SCO's Complaint, dated March 6, 2003.

4. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit B is a true and correct copy of the Deposition of Daniel Frye, dated November 18, 2005.

5. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit C is a true and correct copy of the Deposition of Daniel Frye, dated January 12, 2005.

6. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit D is a true and correct copy of the Deposition of Daniel Frye, dated January 20, 2006.

7. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit E is a true and correct copy of the Declaration of Kaena Freitas, dated December 14, 2005.

8. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit F is a true and correct copy of the Deposition of Jay Vosburgh, dated November 17 2005.

9. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit G is a true and correct copy Email from R. Swanberg to A. Simon, et al., dated April 8, 2003.

10. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit H is a true and correct copy of the Deposition of Paul McKenney, dated December 2, 2005.

11. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit I is a true and correct copy of Exhibit 435 to the Daniel Frye Deposition, dated January 12, 2005.

12. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit J is a true and correct copy of Consulting Times, Inside IBM-Dan Frye and the Linux Technology Center.

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

DATED this 25th day of September, 2006.

HATCH, JAMES & DODGE, P.C.
Brent O. Hatch
Mark F. James

BOIES, SCHILLER & FLEXNER LLP
Robert Silver
Stuart H. Singer
Stephen N. Zack
Edward Normand

By:



Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, I caused to be served a true and correct copy of the foregoing by CM/ECF or by U.S. Mail, postage prepaid, to the following:

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A handwritten signature in black ink, appearing to be 'C. J. T.', is written above a horizontal line.