

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)
Edward Normand (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Boulevard – Suite 1200
Ft. Lauderdale, Florida 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022

Stephen N. Zack (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
Bank of America Tower – Suite 2800
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 539-8400
Facsimile: (305) 539-1307

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.

**EX PARTE MOTION FOR LEAVE
TO FILE SCO'S OVER LENGTH
MEMORANDUM IN SUPPORT OF
ITS MOTION FOR
RECONSIDERATION BY THE
MAGISTRATE COURT OF THE
ORDER DENYING SCO'S MOTION
FOR RELIEF FROM IBM'S
SPOILIATION OF EVIDENCE**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for an Order granting SCO leave to file its over length Memorandum in Support of its Motion for Reconsideration by the Magistrate Court of the Order Denying SCO’s Motion for Relief for IBM’s Spoliation of Evidence (the “Reconsideration Memorandum”) that consists of 23 pages, exclusive of face sheet, table of contents and authorities, appendixes and exhibits.

SCO’s Motion is made upon the grounds that the Reconsideration Memorandum of the indicated length is necessary given the complex nature of the issues raised.

SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully and fairly address the issues being placed before the Court.

SCO respectfully requests that it be allowed to file its Reconsideration Memorandum containing 23pages, exclusive of face sheet, table of contents and authorities, appendixes and exhibits.

DATED this the 16th day of March, 2007.

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: /s/ Mark F. James
Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing EX PARTE MOTION FOR LEAVE TO FILE SCO'S OVER LENGTH MEMORANDUM IN SUPPORT OF ITS MOTION FOR RECONSIDERATION BY THE MAGISTRATE COURT OF THE ORDER DENYING SCO'S MOTION FOR RELIEF FROM IBM'S SPOILIATION OF EVIDENCE was served on Defendant/Counterclaim-Plaintiff, International Business Machines Corporation, on this 16th Day of March, 2007, via CM/ECF and electronic mail (by agreement of the parties) to the following:

David Marriott, Esq. (dmarriott@cravath.com)
Cravath, Swain & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Todd Shaughnessy, Esq. (tshaughnessy@swlaw.com)
Snell & Wilmer LLP
1200 Gateway Tower West
15 West South Temple
Salt Lake City, Utah 84101-1004

By: _____/s/Mark F. James_____