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## 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.

## SCO'S MOTION FOR RECONSIDERATION OF THE ORDER DENYING SCO'S MOTION FOR RELIEF FOR IBM'S SPOLIATION OF EVIDENCE

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

For the reasons stated in SCO's Memorandum In Support of Its Motion for Reconsideration

of the Order Denying SCO's Motion for Relief for IBM's Spoliation of Evidence, SCO

respectfully requests that this Court reconsider its Order of March 2, 2007, and grant the relief

requested in SCO's Motion for Relief for IBM's Spoliation of Evidence.

DATED this 16<sup>th</sup> day of March, 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 /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 **SCO's MOTION FOR RECONSIDERATION** was served on Defendant/Counterclaim-Plaintiff, International Business Machines Corporation, on this 16<sup>th</sup> day of March, 2007, via electronic mail (by agreement of the parties) to the following:

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By \_\_\_\_/s/Mark F. James\_\_\_\_\_