

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

WAYNE R. GRAY,

Plaintiff,

vs.

NOVELL, INC., and THE SCO GROUP, INC.,  
and X/OPEN COMPANY LIMITED,

Defendants.

Case No.: 8:06-cv-01950-JSM-TGW

**UNOPPOSED MOTION TO ENLARGE TIME TO RESPOND TO DISCOVERY**

Defendant Novell, Inc. ("Novell"), by and through undersigned counsel and pursuant to Rule 6(b), Federal Rules of Civil Procedure, moves the Court for entry of an Order enlarging the time for Novell to respond to discovery served by Plaintiff on May 24, 2007, and states as follows:

1. The Plaintiff served his Second Set of Request for Documents from Novell, and Second Requests for Admissions- Novell on May 24, 2007.

2. Novell has made a diligent effort to respond to the discovery within the time required by the Federal Rules of Civil Procedure, but finds that it will not be able to make meaningful responses within that time.

3. Pursuant to Local Rule 3.01(g), counsel for Novell certifies that they conferred in good faith with counsel for Plaintiff to request an extension of time. Counsel for Plaintiff had no objection and consents to an enlargement of time up to and including July 3, 2007, within which Novell shall serve responses to Plaintiff's discovery requests. However, Plaintiff's counsel was of the opinion that no motion should be filed seeking the relief requested herein. Novell serves this motion out of an abundance of caution to ensure that no

matters are deemed admitted pursuant to Plaintiff's Second Requests for Admissions.

**WHEREFORE**, Novell, Inc. moves this court for entry of an Order granting it an enlargement of time up to and including July 3, 2007 within which Novell shall be required to respond to the Second Set of Request for Documents from Novell, and Second Requests for Admissions- Novell which were served on May 24, 2007.

/s/Fredrick H. L. McClure  
Fredrick H.L. McClure  
[fredrick.mcclure@dlapiper.com](mailto:fredrick.mcclure@dlapiper.com)  
Florida Bar No. 0147354  
E. Colin Thompson  
[colin.thompson@dlapiper.com](mailto:colin.thompson@dlapiper.com)  
Florida Bar No. 0684929  
DLA PIPER US LLP  
101 East Kennedy Blvd., Suite 2000  
Tampa, Florida 33602  
Telephone: (813) 229-2111  
Facsimile: (813) 229-1447  
Attorneys for Defendant Novell, Inc.

and

John P. Mullen (admitted *pro hac vice*)  
[jmullen@aklawfirm.com](mailto:jmullen@aklawfirm.com)  
Heather Sneddon (admitted *pro hac vice*)  
[heathersneddon@aklawfirm.com](mailto:heathersneddon@aklawfirm.com)  
ANDERSON & KARRENBERG  
50 West 300 South  
Suite 700  
Salt Lake City, Utah 84101  
Attorneys for Defendant Novell, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on June 26, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing on Fredrick H.L. McClure, E. Colin Thompson, John P. Mullen, Heather M. Sneddon, Thomas R. Karrenberg, David L. Partlow, Karen C. Dyer, George R. Coe, Evan A. Raynes, Mark Sommers and William Cooper Guerrant, Jr.

/s/Fredrick H. L. McClure  
Attorney