

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THE SCO GROUP, INC. RECEIVED FOR FILING



JUDGE RAE LEE CHABOT  
SCO GROUP INC V DAIMLERCHRYSS

Plaintiff,  
vs. 04 DEC 21 P1:06  
DAIMLERCHRYSLER CORPORATION,  
Defendant. COUNTY CLERK.

Civil Action No. 04-056587-CKB

Honorable Rae Lee Chabot

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Barry M. Rosenbaum (P26487)  
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**STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE**

At a session of said Court, held in the Oakland County Courthouse  
in the City of Pontiac, County of Oakland, State of Michigan, on

~~DEC 21 2004~~


PRESENT: Hon. Rae Lee Chabot, Circuit Court Judge

Upon the stipulation of the parties hereto, through their respective counsel, and the Court  
being fully advised in the premises;

IT IS HEREBY ORDERED that Plaintiff The SCO Group, Inc.'s claim for breach of  
contract for Defendant DaimlerChrysler Corporation's alleged failure to respond to the request  
for certification in a timely manner is DISMISSED without prejudice.

IT IS FURTHER ORDERED that, in the event Plaintiff The SCO Group, Inc. refiles its claim for breach of contract for Defendant DaimlerChrysler Corporation's alleged failure to respond to the request for certification in a timely manner, Plaintiff shall pay Defendant's costs and reasonable attorneys' fees incurred in the instant action in defending against that claim only, from and after the entry of this Court's August 9, 2004 Order Granting In Part and Denying In Part Defendant DaimlerChrysler Corporation's Motion for Summary Disposition, as a condition precedent to pursuing any such refiled action. The amount of Defendant's costs and reasonable attorneys' fees shall be determined by the Court in the refiled action as soon as practicable after refiled, and Plaintiff shall pay such costs and reasonable attorneys' fees, as are determined by the Court, within 15 days following the Court's decision, as a condition to pursuing the refiled action. Defendant shall not be required to answer or otherwise respond to the complaint in the refiled action until Plaintiff pays the costs and reasonable attorneys' fees described above.

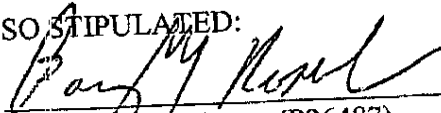
THIS ORDER DISPOSES OF THE LAST PENDING CLAIM AND CLOSES THIS CASE.





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Hon. Rae Lee Chabot  
Circuit Court Judge

SO STIPULATED:

 12-20-04  
 Barry M. Rosenbaum (P26487)  
 Counsel for Plaintiff The SCO Group, Inc.

 12/17/04  
 Thomas S. Bishoff (P53753)  
 Counsel for Defendant DaimlerChrysler Corporation