

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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IN RE: : CHAPTER 11
: NO. 07-11337(KG)
:
SCO GROUP, INC., et al : Wilmington, Delaware
: November 20, 2008
: 9:34 o'clock a.m.
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HEARING
BEFORE THE HONORABLE KEVIN GROSS
UNITED STATES BANKRUPTCY COURT JUDGE

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APPEARANCES:

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-and-

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(Proceedings recorded by For The Record digital sound recording; transcript provided by AAERT-certified transcriber.)

1 (The following occurred in open court at 9:34
2 o'clock a.m.)

3 THE COURT: Good morning, everyone. Please be
4 seated. Thank you.

5 Ms. Makowski, good morning. Good to see you.

6 MS. MAKOWSKI: Good to see you, too, your Honor.
7 Thank you for hearing us today.

8 THE COURT: You know it.

9 MS. MAKOWSKI: We're here today on the SCO Group
10 matter, Case Number 07-11337. This should be a very short
11 hearing, your Honor.

12 THE COURT: Okay. I won't be sorry, although it's a
13 pleasure to be with all of you.

14 MS. MAKOWSKI: Okay. On the phone with me today is
15 my co-counsel, Grace Robson, from Berger Singerman.

16 THE COURT: Good morning, Ms. Robson.

17 MS. ROBSON: Good morning, your Honor.

18 THE COURT: And I did sign, by the way, the orders
19 for items one and two.

20 MS. MAKOWSKI: Thank you, your Honor.

21 With that, your Honor, we'll turn to item three on
22 the agenda, which is Novell's Motion for Entry of an Order
23 Confirming Constructive Trust and Directing the Debtors to
24 Pay Funds to Novell.

25 THE COURT: Yes.

1 MS. MAKOWSKI: Your Honor, I wanted to report to the
2 Court that we were able to enter into a consensual resolution
3 with that matter. It's pending documentation, so we should
4 be able to submit that to the Court under certification of
5 counsel in the next few days.

6 THE COURT: Wonderful.

7 MS. MAKOWSKI: Your Honor, the next matter is the
8 Debtor's First Non-Substantive Omnibus Objection to Claims.
9 We did have several responses as you can see by the agenda.

10 THE COURT: Yes.

11 MS. MAKOWSKI: We have removed those individuals
12 from the exhibit so that we can contact them directly to
13 assure them that there was actually no need for them to file
14 a claim for their stock rights. They will retain those
15 rights, and in fact, your Honor, we added a provision to the
16 order that says that.

17 And if I might, your Honor, I believe Ms. Robson is
18 on the phone if your Honor has any questions about the claims
19 themselves.

20 THE COURT: I did not have any questions.

21 MS. MAKOWSKI: Okay.

22 THE COURT: The objections were very straightforward
23 and I have no questions or concerns with your objections.

24 MS. MAKOWSKI: Thank you, your Honor.

25 MS. ROBSON: Your Honor, Grace Robson. Just a

1 little bit of clarification.

2 THE COURT: Yes, please, Ms. Robson.

3 MS. ROBSON: Of the 14 matters that are listed as
4 responses under A through N, there were two that were listed
5 there erroneously, admittedly my fault, regarding matters E
6 and F, the withdrawals of claims by the Tennessee Department
7 of Revenue. That was just a mistake on my part. I was
8 thinking in advance because I had prepared objections to
9 their claims, but they withdrew their claims and so that was
10 listed erroneously, because they are not subject of a pending
11 objection to claim.

12 In addition, matters number A, D, J and K, I was
13 able to speak with those stockholders and clarify the basis
14 of the objection. And based upon my discussions with those
15 stockholders, they consented to the disallowance of their
16 claims because they understood that it did not impact their
17 stock ownership.

18 THE COURT: Excellent. That's good work and having
19 done this sort of thing in another context where I had to
20 contact hundreds of claimants in a case, I spent I can't
21 remember how many days it was doing it. I certainly
22 appreciate your efforts.

23 MS. MAKOWSKI: Your Honor, based on those
24 representations and the fact that we have some additional
25 claimants that we'd like to add to the exhibits --

1 THE COURT: Yes.

2 MS. MAKOWSKI: -- what I suggest if your Honor is
3 amenable to it, we will submit a revised form of order with
4 the exhibits under certification of counsel later today.

5 THE COURT: Absolutely.

6 MS. MAKOWSKI: So that we can add those folks,
7 rather than have more supplemental orders come over to your
8 Honor.

9 THE COURT: That's wonderful. I think that makes
10 sense. I mean we could write in names, but it's on your
11 processor, I'm sure --

12 MS. MAKOWSKI: Yes, it is.

13 THE COURT: -- and we can do that nicely.

14 MS. MAKOWSKI: And that's all we have for today,
15 your Honor.

16 THE COURT: Well, that was very fast.

17 MS. MAKOWSKI: Yes.

18 THE COURT: And you're doing an excellent job, I can
19 see, in the claims process, which I know is an ordeal.

20 MS. MAKOWSKI: Yes, it is.

21 THE COURT: But it's certainly important and
22 worthwhile and we all take it seriously, I know, as well as
23 you.

24 MS. MAKOWSKI: Yes.

25 THE COURT: And thank you for coming out for a short

1 hearing on a cold day.

2 MS. MAKOWSKI: Yes. Thank you, your Honor.

3 THE COURT: All right, Counsel. Good day and we'll

4 stand in recess.

5 MS. MAKOWSKI: Thank you, your Honor.

6 THE COURT: Thank you.

7 Goodbye, Ms. Robson.

8 (Proceeding concluded at 9:38 o'clock a.m.)

CERTIFICATION

I hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

Geraldine C. Laws, CET
Laws Transcription Service

Dated 12/10/08