

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 01: 06-mc-00046 PTS

The SCO Group, Inc., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 International Business Machines Corp., )  
 )  
 Defendant. )  
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**MOTION BY THIRD-PARTY WITNESS TO QUASH SUBPOENA  
AND FOR PROTECTIVE ORDER**

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Otis L. Wilson, a non-party, pursuant to Rules 45 and 26(b)(2) of the Federal Rules of Civil Procedure, hereby moves for an order quashing the purported subpoena served on him in this matter and providing that he need not appear for deposition as demanded by that subpoena. In the alternative, Mr. Wilson requests that the Court enter a protective order limiting the proposed deposition by time and subject matter as more specifically set forth in Mr. Wilson's memorandum in support of this motion.

In support of this motion, Mr. Wilson, through undersigned counsel, contemporaneously submits its Memorandum of Law pursuant to Local Rule 7.3(a).

Pursuant to Local Rule 26.1(c), the undersigned certifies that counsel for Mr. Wilson has conferred on numerous occasions with Ted Normand, counsel for The SCO Group, Inc., in March and April 2006, but no resolution was reached with respect to the disputed issues

concerning the subpoena purportedly issued to Mr. Wilson and the taking of his deposition. Having been unable to resolve the issues, Mr. Wilson files this motion.

This the 21st day of April, 2006.

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the *Motion to Quash Subpoena and for Protective Order* was duly served this date on counsel for all parties by electronic means if available or otherwise by forwarding a copy thereof enclosed in a postage-paid envelope, deposited in the United States Mail, addressed as follows:

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This the 21st day of April, 2006.

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