

STATE OF UTAH
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Attorneys for Defendants Raymond J. Noorda and Lewena Noorda,
as Trustees of the Noorda Family Trust, William Mustard, and
Intervenor The Canopy Group, Inc.

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

RALPH J. YARRO III, an individual,
DARCY G. MOTT, an individual,
BRENT D. CHRISTENSEN, an individual

Plaintiffs,

vs.

VAL NOORDA KREIDEL, an individual,
TERRY PETERSON, an individual,
WILLIAM MUSTARD, an individual,
THE NOORDA FAMILY TRUST, a Trust,
RAYMOND J. NOORDA, an individual,
and a trustee of the Noorda Family Trust,
LEWENA NOORDA, an individual and a
trustee of the Noorda Family Trust, and
JOHN DOES I THROUGH 10,

Defendants.

**EX PARTE APPLICATION FOR
LEAVE TO FILE OVERLENGTH
MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER**

Civil No. 050400205

Honorable Anthony W. Schofield

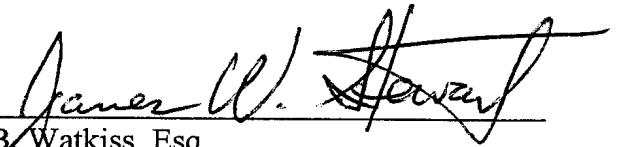
Defendants, Raymond J. Noorda and Lewena Noorda, in their capacity as trustees
of The Noorda Family Trust, William Mustard, and Intervenor The Canopy Group, Inc.

(collectively, the “Canopy Defendants”), by and through their undersigned counsel, respectfully move this Court for an Order allowing the Canopy Defendants to file an overlength memorandum in opposition to Plaintiffs’ motion for temporary restraining order (this “**Motion**”).

Specifically, the Canopy Defendants requests permission to file a reply memorandum with a total of approximately 18 pages of argument, excluding the face page and introduction. To support their Motion, Plaintiffs filed a memorandum a total of 38 pages in length, excluding exhibits, including sixteen pages of argument.¹ Plaintiffs’ Motion is supported by some ten affidavits, and a factual statement that is 22 pages in length. The additional length of the Canopy Defendants’ opposing memorandum is necessary to oppose all of the issues raised by Plaintiffs’ Motion, and because the relief sought by this Motion is a mandatory injunction which seeks to alter the status quo.

A proposed Order granting this request to file an overlength reply memorandum is filed concurrently.

DATED this 31st day of January 2005.



David B. Watkiss, Esq.
Anthony C. Kaye, Esq.
James W. Stewart, Esq.
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Attorneys for Plaintiffs

¹ Plaintiffs filed their overlength memorandum without seeking leave from the Court.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **EX PARTE APPLICATION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER** was served to the following this 31st day of January 2005, in the manner set forth below:

- Hand Delivery
- U.S. Mail, postage prepaid
- Federal Express
- Certified Mail, Receipt No. _____, return receipt requested

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