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4TH DISTRICT COURT  
STATE OF UTAH  
UTAH COUNTY  
JAN 31 8 04 AM '05

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

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RALPH J. YARRO III, an individual,  
DARCY G. MOTT, an individual, and  
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 Utah 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 1 THROUGH 10,

Defendants.

**PLAINTIFFS' MOTION AND  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

**HEARING REQUESTED**

Civil No. 050400205

Honorable Anthony W. Schofield, Div. 8

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Pursuant to Rule 65A of the Utah Rules of Civil Procedure, Plaintiffs Ralph J. Yarro III, Darcy G. Mott and Brent D. Christensen (hereafter referred to collectively as "plaintiffs") hereby move this Court for a Temporary Restraining Order restoring the parties to the status quo that existed prior to the void actions taken on December 17, 2004, and more specifically, restoring Ralph J. Yarro III as Canopy's Chief Executive Officer and President, Darcy G. Mott as

Canopy's Vice President, Chief Financial Officer and Treasurer, and Brent D. Christensen as Canopy's Vice President, Corporate Counsel and Secretary, and enjoining Defendants, and all others acting for and on their behalf, and any person or entity who receives notice of the Court's Order from the following:

- (a) restricting plaintiffs' access to The Canopy Group, Inc. ("Canopy") buildings, offices, documents, records and computer resources;
- (b) hindering or restricting plaintiffs from exercising their duties and using their control as officers and employees, and for Mr. Yarro also as a director, of Canopy to continue managing Canopy's business;
- (c) distributing any stock to Mr. and Mrs. Noorda as a result of the purported resolution of December 17, 2004;
- (d) making any statements that create uncertainty as to the authority of plaintiffs to act as officers of Canopy;
- (e) mistreating former or current Canopy employees;
- (f) acting in any manner inconsistent with the fact that plaintiffs are officers and employees of Canopy;
- (g) acting in any manner inconsistent with the fact that the actions taken by Canopy's board of directors on December 17, 2004, are void; and
- (h) taking any retaliatory action against any person or entity who provides testimony (through deposition, affidavit or otherwise) related to this litigation.

In the absence of the entry of a Temporary Restraining Order, plaintiffs will incur immediate and irreparable harm. Plaintiffs, therefore, seek injunctive relief without bond, for the reasons set forth in the accompanying Memorandum in Support of Plaintiffs' Motion and

Application for Temporary Restraining Order and Preliminary Injunction, and in the Complaint.

Plaintiffs' also request a Preliminary Injunction hearing, wherein Mr. Noorda is required to attend and provide testimony, and oral argument can be presented, at the earliest possible date convenient to the Court in order to more fully inform the court as to the need for a Preliminary Injunction.

DATED this 30<sup>th</sup> day of January, 2005.

SNOW, CHRISTENSEN & MARTINEAU

By: 

Stanley J. Preston  
Michael R. Carlston  
Maralyn M. Reger  
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law offices of Snow, Christensen & Martineau, attorneys for defendants, and that a true and correct copy of the **MOTION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, [PROPOSED] ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER, PLAINTIFFS' MOTION TO SEAL AFFIDAVITS, AND MOTION FOR PROTECTIVE ORDER, and [PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO SEAL AFFIDAVITS AND MOTION FOR PROTECTIVE ORDER** (Case No. 050400205, Fourth Judicial District Court, Utah County, for the State of Utah) was served by hand delivery, this 30th day of January, 2005, on the following:

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