

1 James J. Pisanelli, Esq., Bar No. 4027
Nikki L. Wilmer, Esq., Bar No. 6562
2 BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
3 Las Vegas, Nevada 89106
Telephone: (702) 382-2101
4 Facsimile: (702) 382-8135
lit@bhfs.com
5 nwilmer@bhfs.com

6 David J. Stewart, Esq.
Georgia Bar No. 681149
7 ALSTON & BIRD LLP
One Atlantic Center
8 1201 West Peachtree Street
Atlanta, GA 30309-3424
9 (404) 881-7000
10 david.stewart@alston.com

11 Attorneys for Defendant AutoZone, Inc.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
Las Vegas, Nevada 89106
(702) 382-2101

12
13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 THE SCO GROUP, INC.) Case No.: 2:04-cv-0237-RCJ-GWF
16)
Plaintiff,) [PROPOSED] ORDER VACATING
17) HEARING;
v.)
18 AUTOZONE, INC.) DEFENDANT AUTOZONE, INC.'S
19) NOTICE OF NON-OPPOSITION TO
Defendants) PLAINTIFF'S MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT, AND REQUEST TO
VACATE HEARING

20
21 TO THIS HONORABLE COURT, PLAINTIFF THE SCO GROUP, INC. ("SCO")
22 AND ITS COUNSEL OF RECORD:

23 Defendant AutoZone, Inc. ("AutoZone") will not be filing a response in opposition to
24 SCO's Motion To Amend/Correct Complaint ("Motion") (Dkt. 99). Although SCO's proposed
25 First Amended Complaint (Dkt. 99) is filled with errors of fact and law. AutoZone will address
26 these errors in response to SCO's amended complaint and otherwise through the course of this
27 litigation.
28

1 As a result, AutoZone respectfully requests that the Court vacate the hearing on SCO's
2 Motion currently scheduled for August 24, 2009, at 9:00 a.m. (Dkt. 100).

3 DATED this 17th day of July, 2009.

4 /s/ Nikki L. Wilmer
5 James J. Pisanelli
6 Nevada Bar. No. 4027
7 Nikki L. Wilmer
8 Nevada Bar. No. 6562
9 BROWNSTEIN HYATT FARBER SCHRECK, LLP
10 100 City Parkway, Suite 1600
11 Las Vegas, NV 89106
12 (702) 382-2101
13 lit@bhfs.com
14 nwilmer@bhfs.com

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16 Georgia Bar No. 681149
17 ALSTON & BIRD LLP
18 One Atlantic Center
19 1201 West Peachtree Street
20 Atlanta, GA 30309-3424
21 (404) 881-7000
22 david.stewart@alston.com
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24 **ORDER**

25 IT IS SO ORDERED:

26 UNITED STATES DISTRICT JUDGE

27 DATED: _____
28

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
Las Vegas, Nevada 89106
(702) 382-2101

CERTIFICATE OF SERVICE

I am employed by the law firm of Brownstein Hyatt Farber Schreck, LLP in Clark County. I am over the age of 18 and not a party to this action. My business address is 100 City Parkway, Suite 1600, Las Vegas, Nevada 89106-4614.

On the July 17, 2009, I served the document(s), described as:

[PROPOSED] ORDER VACATING HEARING;

DEFENDANT AUTOZONE, INC.'S NOTICE OF NON-OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, AND REQUEST TO VACATE HEARING

- by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:
- a. **ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)
- b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid.

I am readily familiar with Brownstein Hyatt Farber Schreck, LLP. practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

- c. **BY PERSONAL SERVICE.**
- d. **BY DIRECT EMAIL**
- e. **BY FACSIMILE TRANSMISSION**

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 17, 2009

/s/ Carol E. Jorvig
An employee of Brownstein Hyatt Farber Shreck, LLP

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
Las Vegas, Nevada 89106
(702) 382-2101

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Stanley W. Parry
Ballard Spahr Andrews & Ingersoll, LLP
jeromes@ballardspahr.com

Stephen N Zack
Boies, Schiller & Flexner, LLP
szack@bsflp.com

Richard J. Pocker
Boies Schiller & Flexner, LLP
rpocker@bsflp.com

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
Las Vegas, Nevada 89106
(702) 382-2101