1   IN THE UNITED STATES DISTRICT COURT
                DISTRICT OF NEVADA

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3 THE SCO GROUP, INC.,
    A DELAWARE CORPORATION,

4
           Plaintiff,

5   Civil Action File No.
    vs.   CV-S-04-0237-RCJ-LRL
6

7 AUTOZONE, INC., A NEVADA
    CORPORATION,

8
           Defendant.

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13   DEPOSITION

14   OF

15   JIM GREER

16   SEPTEMBER 24, 2004   ORIGINAL
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22
        ALPHA REPORTING CORPORATION
          KORIAN NEAL, RPR, CCR
23   100 North Main Building, The Lobby
        Memphis, Tennessee 38103
24   (901) 523-8974

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1   The deposition of JIM GREER is taken on
2   behalf of the Plaintiff, on this the 24th day of
3   September, 2004, pursuant to notice and consent of
4   counsel, beginning at approximately 9:30 a.m. in the
5   offices of Baker, Donelson, Bearman, Caldwell &
6   Berkowitz, 165 Madison Avenue, Suite 1800, Memphis,
7   Tennessee.
8   This deposition is taken pursuant to the
9   terms and provisions of the Federal Rules of Civil
10   Procedure.
11   All forms and formalities, including the
12   signature of the witness, are waived and objections
13   alone as to matters of competency, relevancy and
14   materiality of the testimony are reserved, to be
15   presented and disposed of at or before the hearing.
16   Objections as to the form of the question must be made
17   at the taking of the deposition.
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1   A P P E A R A N C E S
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25

1   A.   Then I was made I believe a director.

2   Q.   Of what?

3   A.   Of software systems.

4   Q.   How long did you hold that?

5   A.   I think I held that for about two years.

6   Q.   Okay. And then what after that?

7   A.   Briefly, I was a director of retail systems.

8   Q.   Okay. And how long was that?

9   A.   Perhaps, a year.

10   Q.   And then what did you do?

11   A.   Then I really reverted to a director of

12 software systems.

13   Q.   And how long were you in that position?

14   A.   I think about a year.

15   Q.   And then what position did you hold?

16   A.   Senior technology advisor.

17   Q.   And was that the final position you held?

18   A.   Yes.

19   Q.   And for how long did you hold that position?

20   A.   The remainder of my tenure there. So two or

21 three years.

22   Q.   So was it during the time that you were senior

23 technology advisor that you became involved in the

24 migration of AutoZone's computer system from Unix based

25 operating system to a Linux based operating system?

1   MR. STEWART: Object to form.

2   Q.   (BY MR. STONE) You can answer.

3   A.   Yes.

4   Q.   Have you ever been a party in a lawsuit,

5   either a plaintiff or a defendant?

6   A.   Yes.

7   Q.   What lawsuit?

8   A.   I don't recall the specifics of it. I was --

9   I was part of a defendant in a lawsuit regarding a

10 boating accident that never actually went to trial.

11   Q.   Have you ever been a plaintiff in a lawsuit

12 before?

13   A.   No.

14   Q.   Have you ever been arrested?

15   A.   Arrested? No.

16   Q.   So I take it, then, you've never been

17 convicted of a crime. Is that correct?

18   A.   Correct.

19   Q.   Okay. I want to ask you your understanding of

20 some terms, because I'm going to ask you about them, and

21 I want to make sure that I understand what your

22 understanding of them is when we go through these

23 questions. Okay?

24   A.   Okay.

25   Q.   What is your understanding of what a library

1 began your migration work from the SCO operating system

2 to Linux operating system for AutoZone, had you looked

3 at the SCO contracts?

4   A.   Yes.

5   Q.   Do you remember which ones you looked at?

6   A.   No.

7   Q.   Okay.   After you began your migration work

8 from Linux -- sorry -- from SCO operating system to

9 Linux operating system, did you look at those contracts?

10   A.   No.

11   Q.   So whatever you knew about those contracts,

12 you knew at the time you began the migration.   Is that

13 correct?

14   A.   Whatever I knew, yes.

15   Q.   And since that time, have you looked at those

16 contracts?

17   A.   No.

18   Q.   Did you consult copyright counsel before

19 beginning the work that you did on moving, transitioning

20 AutoZone from SCO's Unix based operating system to a

21 Linux based operating system?

22   A.   No.

23   Q.   Had you taken any copyright law courses in any

24 of the schools that you attended prior to beginning your

25 migration work?

1   A.   No.

2   Q.   Did you insure that the programmers that

3 worked on the migration from SCO operating system to

4 Linux operating system had not previously had access to

5 the SCO operating system?

6   MR. STEWART: Object to form.

7   A.   Please explain had access to.

8   Q.   (BY MR. STONE) Well, worked with the binary

9 code of the SCO operating system.

10   A.   Worked with the binary code.

11   Q.   Yes.

12   A.   They had used the binary code. They had

13 executed SCO applications.

14   Q.   Had they created -- had any of the programmers

15 that worked with you created applications to work with

16 the SCO Open Server prior to working on the migration?

17   A.   Yes. All.

18   Q.   All of them had?

19   A.   All of them had.

20   Q.   Okay. Getting back to my original question,

21 I'm trying to understand in sort of laymen's terms, as

22 best I can, this revision control system and what was on

23 it. So were there -- was there any portion of the SCO

24 Open Server code on the revision control system?

25   MR. STEWART: Object to form. You can

1 format or the ELF file format?
2 A. I don't know. I believe it may use both. I'm
3 not aware of the format that -- the format of Red Hat's
4 applications, for instance.
5 Q. Okay. All right. Now, comes the time when I
6 give you your chance to explain to me what you did. And
7 basically, what I'd like to do is give you an
8 opportunity in your own words to just explain to me how
9 you carried out the migration from where AutoZone was at
10 the point in time when it was running on Open Server
11 software to where the stores were primarily running on a
12 Linux operating system software. And tell me the steps
13 along the way that you were involved in. If you could
14 please do that for me.
15 MR. STEWART: And I'm going to object to
16 the question. And I wouldn't normally clarify my
17 objection in a deposition. But the reason for it is
18 that it assumes the fact that isn't in evidence yet,
19 and that is that this witness was there when the
20 stores were primarily running on Linux.
21 MR. STONE: Okay.
22 MR. STEWART: So what I'd prefer we do is
23 have -- and I don't mind the witness giving a
24 narrative answer -- of just from the beginning of
25 migration to the point he left.

1 MR. STONE: That's fine.
2 Q. (BY MR. STONE) And then we'll get into the
3 specifics after I sort of have a general overview of how
4 you did it. Okay?
5 A. Okay. Generally, I installed Red Hat Linux on
6 the computer to serve as a compilation or development
7 machine.
8 Q. Is that Wrangler?
9 A. Yes. I called it Wrangler. And then I
10 installed or created user accounts on this computer such
11 that development staff could log into this machine and
12 use it. I then installed some utilities, created
13 utilities such that they could, or one could check out
14 code from the source code repository.
15 Then I produced -- I started producing a list of
16 AutoZone applications and went through several revisions
17 of gathering this list up of all of the executables of
18 things that are actually part of that AutoZone store
19 system. Then I solicited development.
20 Q. Let me just stop you for one second because
21 this is important. So you had a list of the
22 applications?
23 A. I had a list. I began with a large list and
24 began pairing down that list to include active
25 applications, those that were actually in use.

1 Q. And to your knowledge, does that list exist
2 anywhere where we could get our hands on it, so to
3 speak?
4 A. I'm not aware of that list. I don't have a
5 copy of that list. I don't know if it still exists.
6 Q. Did you leave it in your files when you left
7 AutoZone?
8 A. I don't even know the status of the machine
9 that that file would be -- had been present on.
10 Q. Okay. You can continue. I'm sorry.
11 A. Then I solicited help. I requested from the
12 various AutoZone directors that they essentially give me
13 some of their developers, you know, let me use the time
14 and resources of some of their developers as part of
15 this conversion process. So I gathered a list of
16 developers. And for those developers, then, we
17 parcelled out the porting of applications to those
18 developers.
19 I personally worked on porting the libraries that
20 AutoZone had developed internally from SCO to Linux. We
21 also had a couple of third-party libraries for which we
22 had source code. I was also responsible for porting
23 that library and those libraries. And then I also
24 individually worked on porting applications.
25 At some point into the work, I installed Linux on

1 another computer and configured it such that it was --
2 had the other hardware and peripherals similar to a
3 AutoZone store system as one might actually find in the
4 store, and arranged it such that the programmers and
5 myself could copy these Linux executables on to the
6 store system and run them to test their porting work.
7 And so the majority of the work then became making
8 modifications to executables to the source code.
9 Q. Executables or applications?
10 A. Well, to the source code, compiling
11 executables and the like, and then testing them and
12 marking off this inventory of applications.
13 Q. And did you have all the source code for every
14 application, or were you missing it for some of the
15 application?
16 A. I was missing it for some.
17 Q. And what did you do when you were missing the
18 source code?
19 A. Well, in some cases, I recreated the
20 application. I was fortunate that AutoZone had some
21 small utility programs for which I could not locate the
22 source, but I knew the behavior of the application so
23 well that I was able to write it from scratch.
24 Q. So did you recompile all these applications
25 that you were porting from open -- I'm sorry. Yeah,

12 (Pages 42 to 45)

1 that you were porting from Open Server to Linux?
2   A. There were at least a couple that I did not.
3 There were two third-party applications, a compression
4 and decompression utility, for which we did not ever
5 have the source. We had purchased this product. And
6 the company, to my knowledge, had stopped producing that
7 product. So we did not recompile that application,
8 those applications.
9   Q. So what did you do with them? How did you
10 port them?
11   A. They were able to run under Linux operating
12 system.
13   Q. So they didn't use any of the Open Server
14 libraries?
15   A. I don't know.
16   Q. Okay. I'm sorry. You can go on with your
17 narrative, if there was more to it.
18   A. So eventually all of the executables had been
19 compiled. The majority of the activity then was just
20 testing. We went through a period of testing the
21 applications on this test computer inside of AutoZone's
22 headquarters.
23   Then I obtained another computer similar to a store
24 computer, computer that would run in an AutoZone store.
25 I installed Red Hat Linux on the computer. And then I

1 copied the Linux versions of the AutoZone executables
2 onto the store computer. I carried that computer to an
3 AutoZone store and --
4   Q. Which AutoZone store?
5   A. I believe the first store that I installed was
6 a store here in Memphis. I believe it's Store Number
7 315, which was on Riverdale. And I installed the --
8 installed the computer in the store, waited for the
9 store to perform some task to finish up their daily
10 activity. I copied the data from the store's computer,
11 the existing SCO store computer so the AutoZone data
12 files regarding its inventory and the like to the Linux
13 based computer.
14   I then shut down the SCO computer, connected the
15 peripherals and such to the Linux computer, tested to
16 confirm that the Linux executables and applications were
17 working correctly. And then the next day, I went to
18 observe the performance of the Linux computer in the
19 store.
20   That same manual procedure is what I used then to
21 install, I think, a total of six computers here in the
22 Memphis area and observed their performance and tried to
23 address any defects.
24   Q. Okay. And then what did you do then? Did
25 you -- did it operate sufficiently for you that you

1 wanted to go further with it?
2   A. Yes. The second -- the migration to the
3 second store of the second store was contingent upon,
4 you know, a period of activity, actually a few weeks of
5 the first store behaving correctly to insure that
6 certain applications and certain situations were
7 encountered.
8   Q. Approximately, when did you do this first
9 installation in the store 315, if you think it's 315?
10   A. I believe it is. Gosh. I don't really know
11 when. That was in -- that would have been in -- I can't
12 really remember. The date's been too long.
13   Q. Let me try this: When did you first begin any
14 kind of work on porting applications from Open Server to
15 Linux, to your best recollection?
16   A. Gosh. Let's see. That was in the 1998/1999
17 time frame.
18   Q. And then when did you leave AutoZone?
19   A. I left AutoZone in early 2002, January of
20 2002.
21   Q. So can you recall whether the work you were
22 doing in this store was in 2001 at some point?
23   A. Well, the actual installation of Linux-based
24 store computers was in 2001, I believe.
25   Q. So you would have been in this Memphis store

1 315 some time in 2001?
2   A. Yes.
3   Q. Okay. Later on today, I'll show you some of
4 those e-mails, and maybe that will help refresh your
5 recollection.
6   A. Okay.
7   Q. So after you put it in these six stores, what
8 did do you next?
9   A. Largely, I observed their performance. I
10 handled calls from the stores regarding behavior that
11 they -- either problems that they were having or issues,
12 you know, defects that were being revealed. I either
13 directed other programmers or myself to make corrections
14 to the AutoZone source code to correct those defects,
15 and then began, you know, a plan of considering how we
16 were going to migrate additional stores.
17   Q. Was that plan ever written down?
18   A. The plan was written down in terms of an
19 expectation of what a maximum rate of transition might
20 be and also generally in terms of what the larger steps
21 would be, you know, what would one need to perform.
22   Q. And then did you carry out that plan?
23   A. I did not carry out that plan.
24   Q. You left AutoZone?
25   A. Yes.

1   Q.   Have you ever heard of a UDK?

2   A.   I have.

3   Q.   What is a UDK?

4   A.   In the context of SCO, I believe it is an

5   acronym for Universal Development Kit.

6   Q.   And was that something that AutoZone purchased

7   from SCO?

8   A.   I believe so.

9   Q.   And do you understand that there was a license

10   that went with that that put restrictions on what you

11   could do with those products?

12   A.   I'm not aware of the terms of that license.

13   Q.   Is that the kit that you believed AutoZone

14   programmers would use to create applications that would

15   work on Open Server?

16   A.   Yes.

17   Q.   So looking back at Exhibit 2 here for a

18   second, do you know whether or not you copied any of the

19   libraries listed on Exhibit 2 either into an application

20   or on to the system that was running Linux?

21   A.   No. I did not copy any of these libraries on

22   to the system running Linux.

23   Q.   Well, would it be fair to say you don't

24   know -- to the extent one of these libraries may be

25   contained in those third-party applications, you don't

1   of -- the portions necessary became part of AutoZone

2   applications.

3   Q.   Now, did you review each of the AutoZone

4   libraries that you ported to Linux to determine whether

5   there was any SCO code in them?

6   A.   Generally, I did not review line by line of

7   the AutoZone libraries. Instead, I took an optimistic

8   approach. I attempted to compile the library. And if

9   the library compile succeeded, then I would attempt to

10   use it and test the specific behavior.

11   Under Linux, the version of the complier being used

12   at the time, there were more informative warning

13   messages and the like that were produced during

14   compilation than we typically used under SCO. So I

15   would attempt to resolve all of the warning and errors

16   that I saw in the course of compiling the library before

17   using it.

18   Q.   So would one of these warning errors be that

19   this is copyrighted code or something?

20   A.   No. The warning might be that some particular

21   syntax of the C programming language was being abused or

22   the like. So this was more in terms of source code not

23   complying to typically observed rules.

24   Q.   So getting back to my question, you didn't go

25   line by line through every AutoZone library to see if

1   there was any SCO code in it. Correct?

2   A.   Correct.

3   Q.   And I take it you didn't go line by line

4   through any of the AutoZone libraries to see if it had

5   any links to SCO libraries in it?

6   A.   No.

7   Q.   How many applications that you ported to Linux

8   used the ICBS module that you referred to before?

9   A.   By the time I finished the port, there were

10   the two third-party applications. Initially, there was

11   an AutoZone application. And I was able to find the

12   source code to that application and convert it. So my

13   understanding currently is that there would be two

14   applications that used or would use the IBCS

15   functionality or whatever its current incarnation is.

16   Q.   All right.

17   A.   If they are being used.

18   Q.   Did you -- was it your understanding that the

19   conversion that was going to occur for AutoZone stores

20   would involve also the other subsidiaries that AutoZone

21   owned?

22   A.   The purpose of the project I was involved in

23   was to convert the AutoZone domestic stores. There was

24   substantially greater work involved in some of the other

25   subsidiary or one of the other subsidiaries of the

1   A.   To my knowledge, some progress was made on

2   that, yes. I don't know even the particulars of --

3   Q.   You don't know how many stores right now?

4   A.   I cannot tell you right now for instance if

5   there are stores still running SCO Open Server or not in

6   the domestic AutoZone store chain.

7   Q.   Would it be fair to say that at no time during

8   this process that you were planning the migration, that

9   you were performing the migration through the point of

10 time that you left the company did you consult any

11 copyright lawyer about issues of copyright with regard

12 to the migration that you were doing?

13   MR. STEWART: Object to form. You can

14   answer.

15   A.   I did not.

16   Q.   (BY MR. STONE) What was Red Hat's involvement

17 in the migration? Were there people from Red Hat that

18 assisted you?

19   A.   Red Hat's involvement in the migration was

20 twofold. In part, we had a -- we ended up signing a

21 support agreement with Red Hat. Actually, threefold.

22 So we had a support contract with Red Hat that provided

23 us access to one of their support engineers. We also

24 got training as part of that contract, which is how I

25 went to the Red Hat certified engineering course, along

1   don't believe this is my document. No. This also

2   discusses -- this discusses some other issues that I

3   don't recall specifically.

4   Okay. I take that back. I believe this is my

5   document.

6   Q.   So is that a portion of what you were talking

7   about of this spreadsheet that you were talking about?

8   A.   Well, this was -- this was one of the

9   spreadsheets. There was a different spreadsheet I had

10   that discussed -- you know, was actually what I was

11   using to create estimates or to try to calculate how

12   much additional time was remaining.

13   MR. STONE: Well, we have asked for that

14   in our document request, and I presume if you have it

15   somewhere, you'll produce it to us?

16   MR. STEWART: We will.

17   Q.   (BY MR. STONE) Okay. That's the only

18   question I had about that for the moment.

19   A.   Okay.

20   Q.   Let's get back to Exhibit 1, if you've got it

21   there.

22   A.   Yes.

23   Q.   This is the posting that you made on GROK web.

24   Correct?

25   A.   Correct.

1   Q.   I just want to go through some of the

2 statements you make and make sure I understand them.

3   A.   Okay.

4   Q.   It's correct that you participated, led in the

5 design development and maintenance of many of AutoZone

6 store systems?

7   A.   Correct.

8   Q.   Were you essentially the chief technical

9 person responsible for the migration of AutoZone's

10 operating system from a SCO Unix based system to Linux

11 based system?

12   A.   I was.

13   Q.   Then you say, I initiated AutoZone transition

14 to Linux?

15   A.   Uh-huh (affirmative response).

16   Q.   Do you mean by that that you were the one who

17 suggested it, or do you mean that you actually did it?

18 What do you mean by initiated it?

19   A.   I did initiate it in the literal sense of

20 beginning the porting activity, and I was the chief

21 advocate of doing so.

22   Q.   Then you say I directed the port of their

23 existing store software base to Linux.

24   A.   Correct.

5   Q.   That's fairly self-explanatory. Port means

1 have those marked together.

2 There were certain errors in our applications that

3 we uncovered during the course of the porting activity,

4 and many of these were common. You know, they were --

5 we had a fixed population of developers.

6 Q. Right.

7 A. Often times developers make the same mistake

8 over and over again.

9 Q. Right.

10 A. And so we saw across our source code base some

11 of the same errors of the kind. And so I, you know,

12 would inform them, you know, if you begin to test the

13 application and you see this behavior, here's some sorts

14 of thing to look for. You know, when I fixed it, here's

15 what I did to fix it.

16 Q. Were these rules written down in any one

17 place, or were they sort of rules that you developed all

18 along and communicated at different times?

19 A. They were developed across the time of

20 porting, because typically we would run into a new

21 problem. And I communicated those chiefly by e-mails

22 or, you know, walking around and informing the

23 developers here's a particular scenario, here's what

24 needs to be done to correct this scenario.

25 Q. Would it be fair to say that the rules you're

1 talking about are rules relating to programming as

2 opposed to rules relating to, you know, what copyrighted

3 codes not to copy or things like that?

4   A.   Correct.

5   Q.   This was, you know, when you look at the

6 source code, if it does this, do this, or you know, look

7 out for this, that kind of thing. Is that right?

8   A.   Correct.

9   Q.   Okay. You had 35 AutoZone developers

10 performing work for you?

11   A.   I think at one point at the height of it, I

12 had about 35 people working for me. I had staff that

13 represented people would have worked on, you know, all

14 of the applications in AutoZone store system. So I

15 think at the height of it, yes.

16   Q.   And you say much of which was trivial, given

17 that our code did not generally rely on SCO's specific

18 features, you're talking about the AutoZone applications

19 there?

20   A.   Right. AutoZone's applications tended not to

21 exercise really the more sophisticated features that

22 might be available in SCO, even SCO Open Server, for

23 instance.

24   Q.   It was fairly basic applications. Is that

25 right?

1   file, you can periodically go through and delete things

2   out of that file, out of that location.

3   Q.   And then you go on to say there are only three

4   executables that you be compiled for SCO in the Linux

5   store. By the way, have you seen this e-mail before

6   today?

7   A.   I don't recall seeing this e-mail since, you

8   know, any of this has been written. No.

9   Q.   Okay. I mean, I guess you saw it at the time

10   you wrote it.

11   A.   Yeah. I saw it when I received it. But no, I

12   haven't seen this e-mail since 2001.

13   Q.   It says there's only three executables that

14   you be compiled for SCO in a Linux store. Do you mean

15   that must be compiled or that should be compiled?

16   A.   I think I was mentioning that there were these

17   three that I was aware of that at the time I had not

18   compiled natively. Compx is the compression utility I

19   mentioned before.

20   Q.   Right.

21   A.   Decompx is a decompression utility.

22   Q.   Right.

23   A.   Surprise. And drun was a utility for

24   running -- it was kind of running a fourth generation

25   language set of executables.

1   Q.   Was drun another one of these third party

2 executables?

3   A.   I don't know its real providence. It was

4 present at AutoZone when I started working there. We

5 used to use a -- AutoZone developers chiefly used to

6 write in an obscure kind of four GEL, three GEL type

7 language. I've never seen it anywhere else. I've never

8 met anyone who's ever heard of it, eve.

9   And much like one compiles C programs, you would

10 run it to pay particular utility on these files. And it

11 would produce kind of an executable format. And then

12 you would use this drun utility to actually then execute

13 those files.

14   And at the time, you know, in the beginning of the

15 port, I didn't know whether there was another program

16 where I did not know the source to it. And ultimately,

17 I found the source to it in its companion program in the

18 one that one uses to compile, in essence. And I chose

19 to port drun, and I chose not to comport its companion

20 utility to encourage people to move away from using

21 that.

22   Q.   So you recompiled drun?

23   A.   Yeah. I ultimately found the source to drun

24 and was able to compile it.

25   Q.   So compx and dcompx are the two that we were

1   talking about earlier that are by a third party.

2   Correct?

3   A.   Yeah.   That's why I said, you know, in the

4   beginning, I was aware of three programs.   And then, you

5   know, ultimately after I had installed that I found this

6   source to drun, this utility.   So compx and dcompx are

7   third-party software.

8   Q.   And that's the software that you didn't have

9   the source code for?

10   A.   Correct.

11   MR. STONE: Let's break for lunch.

12   (LUNCH BREAK)

13   MR. STONE: Let's mark that.

14   (WHEREUPON, THE ABOVE-MENTIONED

15   DOCUMENT WAS MARKED AS EXHIBIT NO. 17,

16   AND IS HERETO ATTACHED.)

17   Q.   (BY MR. STONE)   I'll show you what's been

18   marked Exhibit 17 for identification.   It's an e-mail

19   dated August 27th, 2001.   You see that?

20   A.   I do.

21   Q.   My question is about in the middle there.   It

22   says something about 99.44 percent of all of our

23   programs don't have a separate SCO and Linux version.

24   What does that mean?

25   A.   I thin the 99 and 44 percent is my attempt at

1   A.   Yes.

2   Q.   And you believe as of the time you left, that

3   there were these six stores running, or were there more

4   than the six stores?

5   A.   At the time I left, there were the six stores

6   running.

7   Q.   Okay.

8   A.   I believe that's right.

9   Q.   At the time that you were doing this, did you

10 get contacted by any other engineers asking you about

11 how you were converting from Unix to Linux?

12   A.   I'm sorry. When you say other --

13   Q.   I mean from other companies or not from

14 AutoZone.

15   A.   I don't -- I don't recall being asked by other

16 engineers how we were performing work, no.

17   Q.   Do you recall discussing that you were

18 performing work with other engineers?

19   A.   It may have come up. I'm not certain. It may

20 have come up.

21   Q.   Do you recall any specific conversations you

22 had or people that you spoke to?

23   A.   I don't recall any specifics, no.

24   Q.   Have you spoken with any of the attorneys that

25 represent IBM?

1   A.   I have spoken with one of the attorneys at

2   IBM.

3   Q.   Who did you speak with?

4   A.   Gosh, his name is -- his name is Cook, but I

5   can't really recall his name.

6   Q.   Did he tell you he was an in-house attorney or

7   from a law firm?

8   A.   He did not identify whether he was in-house

9   counsel or not.

10   Q.   Do you remember his first name?

11   A.   No. I'm sorry. I don't.

12   Q.   When did you speak to him?

13   A.   That was -- that would have been several

14 months ago, this year but several months ago, around the

15 time of my -- around the time of my posting to Groklaw.

16 So earlier this year.

17   Q.   Around February of this year?

18   A.   Yes.

19   Q.   What did he say to you and did you say to him

20 as best as you recall?

21   A.   I explained to him -- I asked him if he was

22 aware that there was a online site called Groklaw. I

23 told him that I had made a posting to that site. I

24 explained that my post was in reference to one of the

25 sections of a document describing a lawsuit between SCO

1   and IBM and said that I wanted to make sure he was aware

2   of my statement. And he thanked me for telling him, and

3   he asked for my contact information, and that was it.

4   Q.   Did he call you or did you call him?

5   A.   I called him.

6   Q.   How did you get his number?

7   A.   I got an e-mail with his phone number.

8   Q.   Somebody sent you an e-mail with his phone

9   number?

10   A.   Yes.

11   Q.   Who sent you an e-mail?

12   A.   The person who runs the Groklaw site.

13   Q.   PJ or something like that? Do you know her

14 name?

15   A.   I don't know her real name, her legal name.

16 But, you know, she's called PJ.

17   Q.   So she sent you an e-mail with the phone

18 number for attorneys for IBM?

19   A.   Yes.

20   Q.   Do you still have that e-mail?

21   A.   No. I don't believe I do. That was on a home

22 machine that I've reformatted and reinstalled Linux on?

23   MR. STEWART: Can you take a look for it?

24   THE WITNESS: I can look.

25   MR. STONE: Yeah. We'll include that in