

4TH JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, UTAH
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WJD

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Attorneys for Plaintiffs, The Canopy Group, Inc. and
Raymond J. Noorda and Lewena Noorda,
as Trustees of the Noorda Family Trust

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

**THE CANOPY GROUP, INC., a Utah
corporation, and RAYMOND J. NOORDA
and LEWENA NOORDA, as Trustees of the
NOORDA FAMILY TRUST,**

Plaintiffs,

vs.

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

Defendants.

**MOTION TO REMOVE RALPH J.
YARRO III AS DIRECTOR**

Civil No. 050400245

Honorable Anthony W. Schofield

HEARING REQUESTED

Pursuant to Utah Code Ann. § 16-10a-809, Plaintiffs, The Canopy Group, Inc.

("Canopy"), and Raymond J. Noorda and Lewena Noorda, as Trustees of the Noorda Family

Trust (the "Noordas"), through their counsel, hereby move for an order removing Ralph J. Yarro

III as a director of Canopy. This Motion is supported by the accompanying Memorandum in Support of Motion to Remove Ralph J. Yarro III as Director and the Affidavit of William Mustard, dated January 30, 2005, which was filed on or about January 31, 2005, in the related action, *Ralph J. Yarro III et al. v. Val Noorda Kreidel et al.*, Fourth Judicial District Court, Utah County, State of Utah, Civil No. 050400205 (the "Yarro Action"). For the reasons set forth in the supporting Memorandum, Canopy and the Noordas respectfully request that the Court enter an order granting this Motion and removing Yarro as a director of Canopy.

Concurrently with the filing of this Motion, Plaintiffs are filing a Motion requesting the Court to consolidate this action with the Yarro Action. Pursuant to Rule 42 of the *Utah Rules of Civil Procedure*, the Motion to Consolidate has been filed in the earlier-filed Yarro Action. An evidentiary hearing has been set in the Yarro Action commencing on March 8, 2005, to consider the Motion for Preliminary Injunction filed by Ralph J. Yarro, Darcy G. Mott, and Brent D. Christensen in that case. Canopy and the Noordas respectfully request that the Court set this Motion for an evidentiary hearing to be held concurrently with the evidentiary hearing presently scheduled for March 8-11, 2005, in the Yarro Action.

DATED this 14th day of February 2005.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct of copy of the foregoing **MOTION TO REMOVE RALPH J. YARRO III AS DIRECTOR** was served on the following this 14th day of February 2005, in the manner set forth below:

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