

# **EXHIBIT 18**

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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

JUN 12 1998

By MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

*Attorneys for Defendant Microsoft Corporation*

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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CALDERA, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

DEFENDANT'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS WITHHELD  
BASED ON ALLEGED ATTORNEY WORK  
PRODUCT PROTECTION

(Expedited Hearing Requested)

No. 2:96 CV 0645B

Judge Dee V. Benson  
Magistrate Judge Boyce

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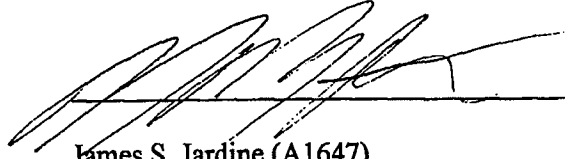
Pursuant to Fed. R. Civ. P. 37(a), defendant Microsoft Corporation ("Microsoft") moves for an order compelling the production of documents withheld by plaintiff Caldera, Inc. ("Caldera"), based on alleged attorney work product protection.

Microsoft requests that the Court order Caldera to produce all documents identified on its privilege logs as "work product" that were not prepared by or for Caldera in anticipation of this litigation. Alternatively, Microsoft requests that the Court order Caldera to produce all documents designated on its privilege logs as "work product" relating to efforts by Novell, Inc. ("Novell") or by Digital Research, Inc. ("DRI"), to lobby various government agencies to bring enforcement actions against Microsoft. Microsoft submits that documents created in the course of lobbying efforts by DRI and Novell were not created "in anticipation of litigation" as required by Fed. R. Civ. P. 26(b)(3). Even if work product protection were applicable to the documents in question, Microsoft submits that Caldera has waived any protection by selectively producing large volumes of other supposed "work product" documents related to the lobbying activities and to the government investigations.

Microsoft respectfully requests an expedited hearing on its motion in order to prevent undue harm to Microsoft in its ongoing discovery efforts.

Dated this 17<sup>th</sup> day of June 1998.

RAY, QUINNEY & NEBEKER



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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS WITHHELD BASED ON ALLEGED ATTORNEY WORK PRODUCT PROTECTION was hand delivered, on this 12 day of June, 1998 to the following:

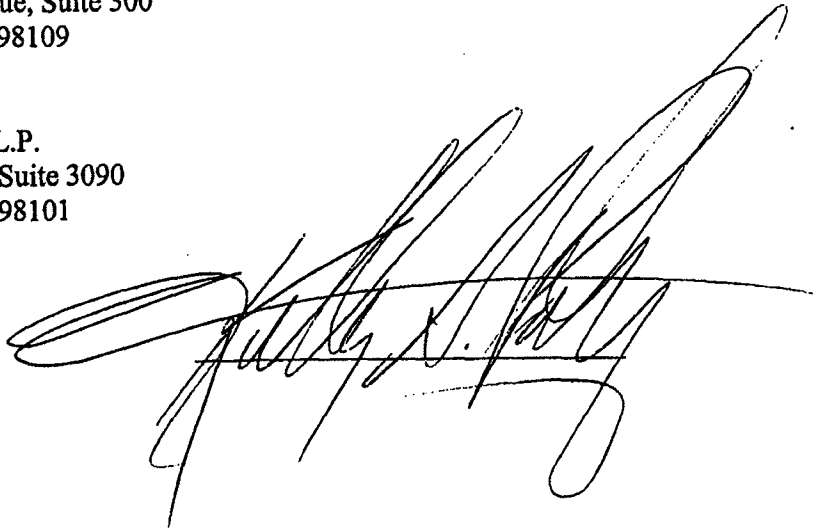
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A large, stylized handwritten signature in black ink, likely belonging to Parker C. Folse, III, is written over a horizontal line. The signature is highly cursive and difficult to decipher.