

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
The SCO GROUP, INC., <u>et al.</u> , <sup>1</sup>	)	Case No. 07-11337 (KG)
	)	(Jointly Administered)
Debtors.	)	

**Objection Deadline: June 5, 2008 at 4:00 p.m. Prevailing Eastern Time**  
**Hearing Date: Scheduled only if Necessary**

**EIGHTH INTERIM APPLICATION OF BERGER SINGERMAN, P.A. FOR  
COMPENSATION FOR SERVICES AND REIMBURSEMENT OF EXPENSES,  
AS CO-COUNSEL TO THE DEBTORS IN POSSESSION FOR  
THE PERIOD FROM APRIL 1, 2008 THROUGH APRIL 30, 2008**

Name of Applicant:	Berger Singerman, P.A.
Authorized to Provide Professional Services to:	Debtors in Possession
Date of Retention:	Effective September 14, 2007 by Order Entered October 4, 2007
Period for which Compensation and Reimbursement is Sought:	April 1, 2008 through April 30, 2008 <sup>2</sup>
Amount of Compensation Sought as Actual, Reasonable and Necessary:	\$43,956.75
Amount of Expense Reimbursement Sought as Actual, Reasonable and Necessary:	\$1,290.72

This is a:              X   interim    \_\_\_ final application.

The time expended for fee application preparation is approximately 3 hours and the corresponding compensation will be requested in Berger Singerman, P.A.'s next interim application.

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<sup>1</sup>The Debtors and the last four digits of each of the Debtors' federal tax identification numbers are as follows: (a) The SCO Group, Inc., a Delaware corporation, Fed. Tax Id. #2823; and (b) SCO Operations, Inc., a Delaware corporation, Fed. Tax ID. #7393.

<sup>2</sup>This Application reserves the right to include any expended in the time period indicated above in future application(s) if it is not included herein.

**PRIOR APPLICATIONS FILED**

<b>Date Filed</b>	<b>Period Covered</b>	<b>Requested Fees</b>	<b>Requested Expenses</b>	<b>Approved Fees</b>	<b>Approved Expenses</b>
10/25/07 [D.N. 163]	09/14/07 – 09/30/07	\$65,331.00	\$ 2,526.40	\$65,331.00	\$ 2,526.40
11/19/07 [D.N. 224]	10/01/07 – 10/31/07	\$175,516.00	\$5,177.33	\$175,516.00	\$5,177.33
12/28/07 [D.N. 287]	11/01/07 – 11/30/07	\$296,323.25	\$13,027.33	\$296,323.25	\$13,027.33
01/24/08 [D.N. 314]	12/01/07 – 12/31/07	\$21,983.00	\$159.00	\$21,983.00	\$159.00
03/04/08 [D.N. 372]	01/01/08- 01/31/08	\$50,536.25	\$1,907.03	\$40,429.00	\$1,907.03
04/15/08 [D.N. 444]	02/01/08- 02/29/08	\$243,970.00	\$1,153.70	\$195,176.00	\$1,153.70
04/16/08 [D.N. 447]	03/01/08- 03/31/08	\$112,390.00	\$1,117.85	\$89,912.00	\$1,117.85

**SUMMARY OF PROFESSIONAL AND PARAPROFESSIONAL TIME**

**PROFESSIONALS:**

<b>Name (Partner Or Associate)</b>	<b>Position of the Applicant, Number of Years in Position, Year of Obtaining License to Practice</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
Arthur J. Spector	Partner since 2002. Member of NY Bar since 1975; Member of Mich. Bar since 1976; Member of FL Bar since 2002.	18.40	\$480.00	\$8,832.00
Arthur J. Spector (Travel Rate)	Partner since 2002. Member of NY Bar since 1975; Member of Mich. Bar since 1976; Member of FL Bar since 2002.	3.00	\$240.00	\$720.00
Daniel Lampert	Partner since 1998. Member of FL Bar since 1979.	39.30	\$485.00	\$19,060.50
Sheldon S. Polish	Partner since 2003. Member of FL Bar since 1994.	3.50	\$450.00	\$1,575.00
Nick Jovanovich	Partner since 1994. Member of FL Bar since 1980.	3.80	\$425.00	\$1,615.00
Phyllis Bean	Of Counsel since 2001. Member of the FL Bar since 1979.	4.50	\$410.00	\$1,845.00

<b>Name (Partner Or Associate)</b>	<b>Position of the Applicant, Number of Years in Position, Year of Obtaining License to Practice</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
Grace E. Robson	Associate since 2001. Member of NY since 1998; and Member of FL Bar since 1999.	15.50	\$375.00	\$5,812.50
Grace E. Robson (Travel Rate)	Associate since 2001. Member of NY since 1998; and Member of FL Bar since 1999.	7.50	\$187.50	\$1,406.25
Samantha B. Carter	Associate since 2007. Member of the FL Bar since 2003.	7.90	\$275.00	\$2,172.50
<b>SUBTOTALS</b>		<b>103.40</b>		<b>\$43,038.75</b>

**PARAPROFESSIONAL:**

<b>Name of paraprofessional</b>	<b>Position Held, Number of Years in Position</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
Carmen Cruz	Paralegal; 15 years	5.40	\$170.00	\$918.00
<b>SUBTOTALS</b>		<b>5.40</b>		<b>\$918.00</b>

TOTAL HOURS BY PROFESSIONALS AND PARAPROFESSIONALS: **108.80**

"BLENDED" HOURLY RATE: **\$404.01**

TOTAL PROFESSIONAL AND PARAPROFESSIONAL FEES: **\$43,956.75**

**COMPENSATION BY CATEGORY**

<b>Project Categories</b>	<b>Total Hours</b>	<b>Total Fees</b>
Case Administration (501)	16.10	\$4,247.25
Business Operations (502)	1.40	\$672.00
Asset Disposition/Preservation (505)	63.80	\$28,886.00
Fee/Employment Application (507)	8.00	\$1,893.00
Claims Administration and Objection (509)	7.30	\$2,905.50
Plan and Disclosure Statement (518)	4.00	\$1,783.50
Tax Issues (525)	7.60	\$3,302.50
Litigation Consulting (527)	.60	\$267.00
<b>TOTAL</b>	<b>108.80</b>	<b>\$43,956.75</b>

**EXPENSE SUMMARY**

<b>Expense Category</b>	<b>Total Expenses</b>
Filing Fees	0.00
Process Service Fees	0.00
Witness Fees	0.00
Court Report & Transcripts	0.00
Lien and Title Searches	0.00
Photocopies (In-house copies @ 10¢ each)	13.60
Postage	0.00
Overnight Delivery Charges	0.00
Outside Courier/Messenger Services	0.00
Long Distance Telephone Charges (Including Conference Calls)	113.77
Long Distance Fax Transmissions (long distance charges only)	0.00
Computerized Research (Lexis, Westlaw and PACER charges)	10.46
Travel Expenses (includes airfare and meals)	1,152.89
Other (Not specifically disallowed; must specify and justify): N/A	0.00
<b>TOTAL "GROSS" AMOUNT OF REQUESTED DISBURSEMENTS</b>	<b>\$1,290.72</b>

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
The SCO GROUP, INC., et al.,<sup>3</sup> ) Case No. 07-11337 (KG)  
) (Jointly Administered)  
Debtors. )

Objection Deadline: June 5, 2008 at 4:00 p.m. Prevailing Eastern Time  
Hearing Date: Scheduled only if Necessary

**EIGHTH INTERIM APPLICATION OF BERGER SINGERMAN, P.A. FOR  
COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF  
EXPENSES AS CO-COUNSEL TO THE DEBTORS IN POSSESSION FOR  
THE PERIOD FROM APRIL 1, 2008 THROUGH APRIL 30, 2008**

Pursuant to sections 330 and 331 of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (collectively, the “Bankruptcy Rules”), and the Court’s *Administrative Order Establishing Procedures for Interim Monthly Compensation of Professionals*, entered on or about October 4, 2007 (the “Administrative Order”) (Docket No. 95), Berger Singerman, P.A. (“BSPA” or the “Firm”), co-counsel to the Debtors in Possession (“Debtors”), submits its eighth monthly application (the “Application”) seeking compensation and reimbursement of expenses for the period of April 1, 2008 through April 30, 2008 (the “Application Period”).

By this Application, BSPA requests an interim award of compensation in the amount of \$43,956.75 and reimbursement of actual and necessary expenses in the amount of \$1,290.72 for a total allowance of \$45,247.47 and payment of \$35,165.40 (80% of the allowed fees) and reimbursement of \$1,290.72 (100% of the allowed expenses) for a total payment of \$36,456.12 for the Application Period. In support of this Application, BSPA respectfully represents as follows:

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<sup>3</sup>The Debtors and the last four digits of each of the Debtors’ federal tax identification numbers are as follows: (a) The SCO Group, Inc., a Delaware corporation, Fed. Tax Id. #2823; and (b) SCO Operations, Inc., a Delaware corporation, Fed. Tax ID. #7393.

## Background

1. On September 14, 2007 (the “Petition Date”), the Debtors commenced these cases (the “Chapter 11 Cases”) by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

2. On or about October 4, 2007, the Court entered the Administrative Order, authorizing estate professionals (“Professionals”) to submit monthly applications for interim compensation and reimbursement for expenses, pursuant to the procedures specified therein. The Administrative Order provides, among other things, that a Professional may submit monthly fee applications. If no objections are made within twenty (20) days after service of the monthly fee application the Professional may file a certificate of no objection, after which the Debtors are authorized to pay the Professional 80% of the requested fees and 100% of the requested expenses. Beginning with the period ending on December 31, 2007 and at three-month intervals, or such other intervals convenient to the Court, the Professional shall file and serve an interim application for allowance of the amounts sought in its monthly fee applications for that period. All fees and expenses paid are allowed on an interim basis until finally allowed by the Court.

3. The retention of BSPA, as co-counsel to the Debtors was approved effective as of the Petition Date by the *Order Authorizing Employment of Berger Singerman, P.A., as Co-Counsel for Debtors Nunc Pro Tunc to the Petition Date*, entered on October 4, 2007 (the “Retention Order”) (Docket No. 97). The Retention Order authorized BSPA to be compensated on an hourly basis and to be reimbursed for actual and necessary out-of-pocket expenses.

**BSPA'S APPLICATION FOR COMPENSATION AND  
FOR REIMBURSEMENT OF EXPENSES**

**Compensation Paid And Its Source**

4. All services for which BSPA requests compensation were performed for or on behalf of the Debtors.

5. BSPA has received no payment and no promises for payment from any source for services rendered or to be rendered in any capacity whatsoever in connection with the matters covered by this Application. There is no agreement or understanding between BSPA and any other person other than the partners of BSPA for the sharing of compensation to be received for services rendered in this case. BSPA has received payments during the year prior to the Petition Date in the amount of \$425,000 from the Debtors in connection with its prepetition representation of the Debtors. Such amount includes a retainer for postpetition services in the amount of \$275,000. BSPA was current as of the Petition Date, subject to a final reconciliation of the amount actually expended prepetition. Upon final reconciliation of the amount actually expended prepetition, any balance remaining from the payments to the Firm was credited to the Debtors and utilized as BSPA's retainer to apply to postpetition fees and expenses pursuant to the compensation procedures approved by this Court and the Bankruptcy Code.

**Fee Statements**

6. The fee statements for the Application Period is attached hereto as **Exhibit A**. The statement contains daily time logs describing the time spent by each attorney and paraprofessional during the Application Period. To the best of BSPA's knowledge and belief, this Application complies with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules and the Administrative Order. BSPA's time reports are initially either handwritten or directly entered into the Firm's timekeeping program by the attorney or paralegal performing the

described services. The time reports are organized on a daily basis. BSPA is particularly sensitive to issues of “lumping” and, unless time was spent in one time frame on a variety of different matters for a particular client, separate time entries are set forth in the time reports. BSPA’s charges its clients for professional services on an hourly basis, which hourly rates are customary and comparable for professionals and paraprofessionals in bankruptcy and non-bankruptcy matters. In accordance with Del. Bankr. L. R. 2016-2(d)(viii), BSPA has reduced its charges related to any non-working “travel time” to 50% of BSPA’s standard hourly rate. To the extent it is feasible, BSPA professionals attempt to work during travel.

#### **Actual and Necessary Expenses**

7. A summary of actual and necessary expenses incurred by BSPA for the Application Period is attached hereto as part of Exhibit A. Consistent with Del. Bankr. L. R. 2016-2(e)(iii), BSPA has charged \$0.10 per page for photocopying expenses related to these cases. BSPA’s photocopying machines automatically record the number of copies made when the person that is doing the copying enters the client’s account number into a device attached to the photocopier. BSPA summarizes each client’s photocopying charges on a daily basis.

8. BSPA charges \$1.00 per page for outgoing facsimile transmissions. There is no additional charge for long distance telephone calls on faxes. The charge for outgoing facsimile transmissions reflects BSPA’s calculation of the actual costs incurred by BSPA for the machines, supplies and extra labor expenses associated with sending telecopies and is reasonable in relation to the amount charged by outside vendors who provide similar services. BSPA does not charge the Debtors for the receipt of faxes.

9. With respect to providers of on-line legal research services (e.g., LEXIS and WESTLAW), BSPA charges the standard usage rates these providers charge for computerized legal research. BSPA bills its clients the actual amounts charged by such services.



10. BSPA believes the foregoing rates are at or below the market rates that the majority of law firms charge clients for such services. In addition, BSPA believes that such charges are in accordance with the American Bar Association's ("ABA") guidelines, as set forth in the ABA's Statement of Principles, dated January 12, 1995, regarding billing for disbursements and other charges.

#### **Summary of Services Rendered**

11. The names of the partners and associates of BSPA who have rendered professional services in these cases during the Application Period, and the paralegals and case management assistants of BSPA who provided services to these attorneys during the Application Period, are set forth in the attached Exhibit A.

12. BSPA, by and through such persons, has prepared and assisted in the preparation of various motions and orders submitted to the Court for consideration, advised the Debtors on a regular basis with respect to various matters in connection with the Debtors' bankruptcy cases, and performed all necessary professional services which are described and narrated in detail below. BSPA's efforts have been extensive due to the size and complexity of the Debtors' bankruptcy cases.

#### **Summary of Services by Project**

13. The services rendered by BSPA during the Application Period can be grouped into the categories set forth below. BSPA attempted to place the services provided in the category that best relates to such services. However, because certain services may relate to one or more categories, services pertaining to one category may in fact be included in another category. These services performed, by categories, are generally described below, with a more detailed identification of the actual services provided set forth on the attached Exhibit A. Exhibit A identifies the attorneys and paraprofessionals who rendered services relating to each

category, along with the number of hours for each individual and the total compensation sought for each category.

**A. Case Administration (501)**

14. During the Application Period, the Firm, among other things: (1) assisted and counseled the Debtors with regard to matters concerning all aspects of the administration of the Chapter 11 cases; (2) reviewed hearing agendas, pleadings and legal papers relating to scheduled hearings; (3) worked closely with the Debtors' management and their advisors to ensure that the case administration of the cases proceeded efficiently; and (4) attended status conference on April 2, 2008.

Fees: \$4,247.25; Hours: 16.10

**B. Business Operations (502)**

15. During the Application Period, the Firm reviewed and counseled SCO Group on its Confidential Business Plan.

Fees: \$672.00; Hours: 1.40

**C. Asset Disposition/Preservation (505)**

16. During the Application Period, the Firm, among other things, researched and conducted multiple conferences with the Debtors with respect to merger and acquisition issues and structuring plan alternatives. The Firm worked on various revisions to the Memorandum of Understanding ("MOU") in line with the new proposed structure for purchase of the company. In addition, the Firm worked with the Debtors on developing a business plan.

Fees: \$28,886.00; Hours: 63.80

**D. Fee/Employment Applications (507)**

17. This category includes work related to the fee applications of professionals. During the Application Period, the Firm, among other things: (1) analyzed invoices in

preparation of BSPA's sixth and seventh interim fee application; (2) prepared the seventh interim fee application of BSPA; and (3) finalized second quarterly fee application of BSPA. In addition, the Firm prepared and worked the motion and order to approve the expanded scope of the retention of Tanner, LC.

Fees: \$1,893.00; Hours: 8.00

**E. Claims Administration and Objection (509)**

17. During the Application Period, the Firm reviewed and conferred with the Debtors regarding the administrative claim of York and corresponding motion and objections thereto and various additional claims made by creditors of the Debtors.

Fees: \$2,905.50; Hours: 7.30

**F. Plan and Disclosure Statement (518)**

21. During the Application Period, the Firm communicated with the Debtors on matters relating to the status of plan and disclosure statement and reviewed objections to the plan sponsor protections and disclosure statement in preparation for hearings.

\$1,783.50; Hours: 4.00

**G. Tax Issues (525)**

22. During the Application Period, the Firm reviewed tax issues relating to the changes to the new proposed structure for purchase of the company.

Fees: \$3,302.50; Hours: 7.60

**I. Litigation Consulting (527)**

23. During the Application Period, the Firm worked on the SUSE Arbitration matter and objections to the subpoena issued in the Utah state court litigation.

Fees: \$267.00; Hours: .60

**Valuation of Services**

24. Attorneys and paraprofessionals of BSPA expended a total 108.80 hours in connection with their representation of the Debtors during the Application Period, summarized as follows:

**SUMMARY OF PROFESSIONAL AND PARAPROFESSIONAL TIME**

**PROFESSIONALS:**

<b>Name (Partner Or Associate)</b>	<b>Position of the Applicant, Number of Years in Position, Year of Obtaining License to Practice</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
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<b>SUBTOTALS</b>		<b>103.40</b>		<b>\$43,038.75</b>

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<b>Name of paraprofessional</b>	<b>Position Held, Number of Years in Position</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
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TOTAL HOURS BY PROFESSIONALS AND PARAPROFESSIONALS: **108.80**

"BLENDED" HOURLY RATE: **\$404.01**

TOTAL PROFESSIONAL AND PARAPROFESSIONAL FEES: **\$43,956.75**

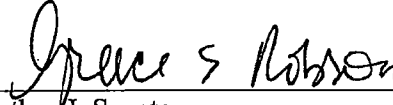
24. The nature of work performed by these persons is fully set forth in Exhibit A attached hereto. These are BSPA's normal hourly rates. The reasonable value of the services rendered by BSPA for the Debtors during the Application Period is \$43,956.75.

25 In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount requested by BSPA is fair and reasonable given (a) the complexity of the case, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under the Bankruptcy Code. Moreover, BSPA has reviewed the requirements of Del. Bankr. L. R. 2016-2 and the Administrative Order and believes that this Application complies with such Rule and Order.

**WHEREFORE**, BSPA respectfully requests that, for the period April 1, 2008 through April 30, 2008, an interim allowance be made to BSPA for compensation in the amount of \$43,956.75 and actual and necessary expenses in the amount of \$1,290.72 for a total allowance of \$45,247.47 and payment of **\$35,165.40** (80% of the allowed fees) and reimbursement of **\$1,290.72** (100% of the allowed expenses) be authorized for a total payment of **\$36,456.12** and for such other and further relief as this Court may deem just and proper.

Dated: May 16, 2008

BERGER SINGERMAN, P.A.



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Arthur J. Spector

Grace E. Robson

350 E. Las Olas Boulevard, Suite 1000

Fort Lauderdale, FL 33301

Telephone: (954) 525-9900

Facsimile: (954) 523-2872

Email: [aspector@bergersingerman.com](mailto:aspector@bergersingerman.com)

[grobson@bergersingerman.com](mailto:grobson@bergersingerman.com)

Co-Counsel for the Debtors-in-Possession

VERIFICATION

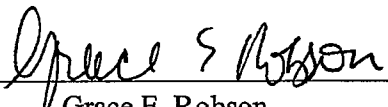
STATE OF FLORIDA.       :  
  :  
COUNTY OF BROWARD    :

Grace E. Robson, after being duly sworn according to law, deposes and says:

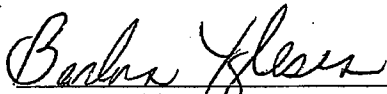
a) I am an associate of the applicant law firm Berger Singerman, P.A. ("BSPA"), and have been admitted to appear before this Court.

b) I am familiar with the legal services rendered by BSPA as counsel to the Debtors and am thoroughly familiar with the other work performed on behalf of the Debtors by the lawyers and paraprofessionals of BSPA.

c) I have reviewed the foregoing Application and the facts set forth therein are true and correct to the best of my knowledge, information and belief. Moreover, I have reviewed the Local Bankruptcy Rules for the District of Delaware, and submit that the Application substantially complies with such rules.

  
\_\_\_\_\_  
Grace E. Robson

SWORN AND SUBSCRIBED  
before me this 16th day of May, 2008.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

