

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
The SCO GROUP, INC., <u>et al.</u> , ¹)	Case No. 07-11337 (KG)
)	(Jointly Administered)
Debtors.)	Related Docket Nos. 4 and 35

**ORDER AUTHORIZING EMPLOYMENT OF
BERGER SINGERMAN, P.A. AS CO-COUNSEL FOR DEBTORS
NUNC PRO TUNC TO THE PETITION DATE**

THE MATTER came before the Court upon the Debtors' Application, Pursuant to 11 U.S.C. § 327(a) and Fed. R. Bankr. P. 2014(a) and 2016, for Approval of Employment of Berger Singerman, P.A. as Co-Counsel for Debtors, Nunc Pro Tunc To the Petition Date (the "Application") and the Declaration of Darl C. McBride, Chief Executive Officer, In Support of First Day Pleadings (the "First Day Declaration") and the Declaration of Arthur J. Spector in Support of Application of Debtors for Approval, Pursuant to 11 U.S.C. § 327(a) and Fed.R.Bankr.P. 2014(a) and 2016, of Berger Singerman, P.A. as Counsel for the Debtors (the "Spector Declaration"). The Application requests entry of an order approving the Debtors' employment of Berger Singerman, P.A. to represent them as general co-counsel in these chapter 11 proceedings. The Court finds that (i) it has jurisdiction over the matters raised in the Application pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Application is in the best interests of the

¹ 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. The address for both Debtors is 355 South 520 West, Lindon, UT 84042.

Debtors, their estates, and their creditors; (iv) the Spector Declaration makes relevant disclosures as required by Fed. R. Bankr. P. 2014 and Fed. R. Bankr. P. 2016; (v) pursuant to 11 U.S.C. § 327 and Fed. R. Bankr. P. 2014(a) and Del. Bankr. L.R. 2014-1 the Court is authorized to grant the relief requested in the Application; and (vi) upon the record herein, and after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth herein.

Accordingly, it is hereby **ORDERED** that:

1. The Application is **GRANTED**.
2. The Debtors are authorized, pursuant to 11 U.S.C. § 327(a), to retain Berger Singerman, P.A. to serve as general co-counsel to the Debtors in these Chapter 11 cases.
3. The employment of Berger Singerman, P.A. by the Debtors shall be *nunc pro tunc* to September 14, 2007.
4. The Spector Declaration contains a verified statement as required by Fed. R. Bankr. P. 2014 demonstrating that Arthur J. Spector and Berger Singerman, P.A. are disinterested as required by 11 U.S.C. § 327(a).
5. Berger Singerman, P.A. will apply for compensation and reimbursement of costs, pursuant to 11 U.S.C §§ 330 and 331, at its ordinary rates, as they may be adjusted from time to time, for services rendered and costs incurred on behalf of the Debtors. By granting this Application, the Court is not approving any compensation in advance.
6. This Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: October 4, 2007



Kevin Gross
United States Bankruptcy Judge