EXHIBIT A

published its decision in August 2009, has filed nearly every procedural motion possible to delay the trial in the District Court. Novell, first, unsuccessfully requested reconsideration by the Tenth Circuit panel *en banc*. The Tenth Circuit denied Novell's request without a hearing. Next, Novell unsuccessfully sought a stay of the Tenth Circuit's mandate while it prepared an appeal to the United State Supreme Court. The Tenth Circuit denied Novell's request even before the Debtors could oppose it. Next, Novell filed a notice with the District Court requesting that it consolidate the Novell trial with the IBM case, which is pending before a different judge and still at the summary judgment stage. Ignoring Novell's request, the District Court fixed March 8, 2010 as the trial date for the Novell case. Since those efforts failed, Novell's subsidiary, SUSE, now requests that this Court allow the arbitration to proceed before the Swiss Tribunal in yet another attempt to interfere with the Utah Litigation. Ignoring its own efforts to avoid having the copyright issues tried on their merits, SUSE has the audacity to accuse the Chapter 11 Trustee of opposing relief from the automatic stay "to gain a tactical advantage" over Novell! *SUSE Motion* at 12.

19.   The District Court held a multi-day bench trial in early 2008 on Novell's claims against SCO Group. No claims by SCO Group against Novell were asserted in that trial due to the prior stay issued by the District Court and because of the summary judgment ruling. Now that the case has been remanded for a jury trial and the Debtors finally will have their day in court, Novell's subsidiary, SUSE, asserts new theories as to why this Court's prior order enforcing the automatic stay should be reconsidered and the stay lifted to allow the SUSE Arbitration against SCO Group to proceed.

20.   As the Trustee has stated – and SUSE has acknowledged – "the resolution of the Utah Litigation . . . is essential to any reorganization of SCO." *SUSE Motion* at 13. Indeed,