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11 Attorneys for Defendant AutoZone, Inc.

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12  
13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA

15 THE SCO GROUP, INC. ) Case No.: 2:04-cv-0237-RCJ-GWF  
16 Plaintiff, )  
17 v. )  
18 AUTOZONE, INC. ) DEFENDANT AUTOZONE, INC.'S  
19 Defendants ) NOTICE OF NON-OPPOSITION TO  
20 ) PLAINTIFF'S MOTION FOR  
LEAVE TO FILE AMENDED  
COMPLAINT, AND REQUEST TO  
VACATE HEARING

21 TO THIS HONORABLE COURT, PLAINTIFF THE SCO GROUP, INC. ("SCO")  
22 AND ITS COUNSEL OF RECORD:

23 Defendant AutoZone, Inc. ("AutoZone") will not be filing a response in opposition to  
24 SCO's Motion To Amend/Correct Complaint ("Motion") (Dkt. 99). Although SCO's proposed  
25 First Amended Complaint (Dkt. 99) is filled with errors of fact and law. AutoZone will address  
26 these errors in response to SCO's amended complaint and otherwise through the course of this  
27 litigation.  
28

1 As a result, AutoZone respectfully requests that the Court vacate the hearing on SCO's  
2 Motion currently scheduled for August 24, 2009, at 9:00 a.m. (Dkt. 100).

3 DATED this 17th day of July, 2009.

4 /s/ Nikki L. Wilmer  
5 James J. Pisanelli  
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24 **ORDER**

25 IT IS SO ORDERED:

26 UNITED STATES DISTRICT JUDGE

27 DATED: \_\_\_\_\_  
28

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**CERTIFICATE OF SERVICE**

I am employed by the law firm of Brownstein Hyatt Farber Schreck, LLP in Clark County. I am over the age of 18 and not a party to this action. My business address is 100 City Parkway, Suite 1600. Las Vegas, Nevada 89106-4614.

On the July 17, 2009, I served the document(s), described as:

**[PROPOSED] ORDER VACATING HEARING;**

**DEFENDANT AUTOZONE, INC.'S NOTICE OF NON-OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, AND REQUEST TO VACATE HEARING**

- by placing the  original  a true copy thereof enclosed in a sealed envelope addressed as follows:
- a. **ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)
- b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid.

I am readily familiar with Brownstein Hyatt Farber Schreck, LLP. practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

- c. **BY PERSONAL SERVICE.**
- d. **BY DIRECT EMAIL**
- e. **BY FACSIMILE TRANSMISSION**

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 17, 2009

/s/ Carol E. Jorvig  
An employee of Brownstein Hyatt Farber Shreck, LLP

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