

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re : Chapter 11
:
The SCO GROUP, INC., *et al.*,¹ : Case No. 07-11337 (KG)
: (Jointly Administered)
:
Debtors. : **Objection Deadline: 2/26/2010 at 4:00 p.m.**
: **Hearing Date: 3/5/2010 at 11:00 a.m.**

**MOTION OF CHAPTER 11 TRUSTEE TO SHORTEN NOTICE AND
RESPONSE TO TRUSTEE’S MOTION FOR ORDER (I) AUTHORIZING
DEBTORS’ ESTATES TO OBTAIN POSTPETITION FINANCING AND TO
GRANT SECURITY INTERESTS AND SUPERPRIORITY
ADMINISTRATIVE EXPENSE STATUS PURSUANT TO 11 U.S.C. §§ 105,
363(c), 364(c), 364(e) AND 507(b); (II) MODIFYING THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362; AND (III) GRANTING OTHER RELIEF**

Edward N. Cahn, Esq. (the “Chapter 11 Trustee” or “Trustee”), in his capacity as Chapter 11 Trustee for the above-captioned debtors (collectively, the “Debtors”) hereby moves this Court (this “Motion”) for entry of an order pursuant to Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 9006-1(c) and (e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), substantially in the form of the proposed order attached hereto as Exhibit A, shortening time for notice and response to the *Motion of the Chapter 11 Trustee for Order (I) Authorizing Debtors’ Estates to Obtain Postpetition Financing and to Grant Security Interests and Superpriority Administrative Expense Status Pursuant to 11 U.S.C. §§ 105, 363(c), 364(c), 364(e), and 507(b); (II) Modifying the Automatic Stay Pursuant to 11 U.S.C. §§ 362; and*

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.

(III) *Granting Other Relief* (the “Credit Facility Motion”)², filed contemporaneously with this Motion, such that (i) a hearing with respect to the Credit Facility Motion may be held on March 5, 2010 at 11:00 a.m. and (ii) objections or responses to the Credit Facility Motion shall be filed prior to February 26, 2010 at 4:00 p.m. In support of this Motion, the Trustee respectfully represents as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of these proceedings and this Motion is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The statutory predicates for the relief sought herein are Fed. R. Bankr. P. 2002 and 9006, and Del. Bankr. L.R. 9006-1(c) and (e).

Relief Requested

2. By this Motion, the Debtors respectfully request that this Court enter an order shortening the notice period for the Credit Facility Motion to permit a hearing on the Credit Facility Motion to be held on (the “Hearing Date”) and to establish February 26, 2010 at 4:00 p.m. as the objection deadline for the Credit Facility Motion.

Basis for Relief Requested

3. Del. Bankr. L.R. 9006-1(c)(i) fixes the time for service and filing of motions and objection thereto. Specifically, Del. Bankr. L.R. 9006-1(c)(i) provides, in pertinent part, as follows:

Unless the Fed. R. Bankr. P. or these Local Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Credit Facility Motion.

2002-1(b) at least fourteen (14) days (and an additional three (3) days if service is by mail) prior to the hearing date.

Del. Bankr. L.R. 9006-1(c)(i).

4. Bankruptcy Rule 9006(c)(1) and Local Rule 9006-1(e) authorize this Court to reduce the notice period required for this Motion. Bankruptcy Rule 9006(c)(1) provides, in pertinent part, as follows:

[W]hen an act is required or allowed to be done at or within a specified time by these rules..., the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1). Similarly, Local Rule 9006-1(e) provides that:

No motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The Court will rule on such motion promptly without need for a hearing.

Del. Bankr. L.R. 9006-1(e).

5. Shortening the notice period required by Local Rule 9006-1(c) so that a hearing on the Credit Facility Motion may take place on the Hearing Date is appropriate in light of the circumstances of these cases. Specifically, the Debtors' estates require immediate use of the loan amount(s) under the Credit Facility for working capital needs, Litigation-related costs, and to provide ongoing liquidity. A hearing on the Credit Facility Motion on the Hearing Date will expedite the Debtors' ability to use the proceeds of the Credit Facility. The Trustee seeks entry of an order authorizing the Debtors' estates to obtain postpetition financing and to grant security interests and superpriority administrative expense status to the Lenders thereunder.

6. Accordingly, the Trustee respectfully requests that this Court grant the relief requested herein.

Notice

7. Notice of the Credit Facility Motion will be given to: (i) the Office of the United States Trustee for the District of Delaware; and (ii) all parties that have requested notice pursuant to Bankruptcy Rule 2002. The Trustee submits that, under the circumstances, no other or further notice is required.

WHEREFORE the Trustee respectfully requests that this Court enter an order in substantially the form attached hereto that (i) schedules a hearing on the Credit Facility Motion on March 5, 2010 at 11:00 a.m., (ii) requiring any party opposing the Credit Facility Motion to assert any response thereto in writing no later than February 26, 2010 at 4:00 p.m., and (iii) grants the Trustee such other and further relief as may be just, proper and necessary.

Dated: February 17, 2010

BLANK ROME LLP

/s/ Bonnie Glantz Fatell

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