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DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CALDERA, INC.

Plaintiff

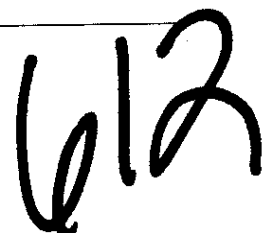
vs.

MICROSOFT CORPORATION

Defendant.

**ORDER ON CALDERA, INC.'S
MOTION FOR LEAVE TO AMEND ITS
WITNESS LIST AND TAKE
DEPOSITIONS**

Case No.: 2:96CV 0645B
Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce




Caldera, Inc.'s Motion for Leave to Amend its Witness List and to Take Depositions came before the Court for hearing on November 10, 1999. James S. Jardine, of Ray, Quinney & Nebeker appeared on behalf of defendant Microsoft Corporation and Ryan E. Tibbitts, of Snow, Christensen & Martineau, appeared on behalf of plaintiff Caldera, Inc. The Court, having reviewed the memoranda submitted by the parties and having heard arguments of counsel, hereby rules as follows:

1. Caldera may add Adam Harris and Bill Mickel to its witness list as third-party witnesses.
2. Caldera may take the videotaped depositions of Mr. Harris and Mr. Mickel at a time and place mutually convenient to the witnesses and counsel.
3. The depositions may not exceed four hours, two hours per side.
4. Microsoft Corporation is allowed to add three more OEM witnesses to its witness list. These witnesses may be deposed by either Microsoft or Caldera under the same guidelines as in paragraphs 2 and 3, above, depending on whether the witnesses will appear live at trial or not.
5. Microsoft shall disclose to Caldera the names of any such OEM witnesses as soon as possible.


IT IS SO ORDERED.

DATED this 21 day of ~~November~~ ^{December}, 1999.

BY THE COURT,


The Honorable Ronald N. Boyce
United States Magistrate Judge

Approved as to form and content:


James S. Jardine
Ray, Quinney & Nebeker
Attorneys for Microsoft Corporation

United States District Court
for the
District of Utah
December 3, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:96-cv-00645

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