

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
The SCO GROUP, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 07-11337 (KG)
	)	(Jointly Administered)
Debtors.	)	
_____	)	

Objection Deadline: September 21, 2009 at 4:00 p.m.  
Hearing Date: To be scheduled

**SEVENTH QUARTERLY APPLICATION FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES OF BERGER SINGERMAN, P.A., AS  
CO-COUNSEL FOR TO THE DEBTORS IN POSSESSION FOR THE  
PERIOD FROM APRIL 1, 2009 THROUGH JUNE 30, 2009**

Name of Applicant:	Berger Singerman, P.A.
Authorized to Provide Professional Services to:	Debtors in Possession
Date of Retention:	Effective September 14, 2007 by Order Entered October 4, 2007
Period for which Compensation and Reimbursement is Sought:	April 1, 2009 through June 30, 2009 <sup>2</sup>
Amount of Compensation Sought as Actual, Reasonable and Necessary:	\$ 241,031.50
Amount of Expense Reimbursement Sought as Actual, Reasonable and Necessary:	\$ 1,900.24

This is a:                    \_\_\_ monthly    X  interim   \_\_\_ final application.

The total time expended for fee application preparation is approximately 4.0 hours and the corresponding compensation will be requested in Berger Singerman, P.A.'s next interim application.

<sup>1</sup>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.

<sup>2</sup>This Application reserves the right to include any fees for services rendered and/or expenses incurred in the time period indicated above in future application(s) if it is not included herein.

**PRIOR APPLICATIONS FILED**

<b>Date Filed</b>	<b>Period Covered</b>	<b>Requested Fees</b>	<b>Requested Expenses</b>	<b>Approved Fees</b>	<b>Approved Expenses</b>
10/25/07 [D.N. 163]	09/14/07 – 09/30/07	\$65,331.00	\$ 2,526.40	\$65,331.00	\$ 2,526.40
11/19/07 [D.N. 224]	10/01/07 – 10/31/07	\$175,516.00	\$5,177.33	\$175,516.00	\$5,177.33
12/28/07 [D.N. 287]	11/01/07 – 11/30/07	\$296,323.25	\$13,027.33	\$296,323.25	\$13,027.33
01/24/08 [D.N. 314]	12/01/07 – 12/31/07	\$21,983.00	\$159.85	\$21,983.00	\$159.85
03/04/08 [D.N. 372]	01/01/08 – 01/31/08	\$50,536.25	\$1,907.03	\$50,536.25	\$1,907.03
04/15/08 [D.N. 444]	02/01/08 – 02/29/08	\$243,970.00	\$1,153.70	\$243,970.00	\$1,153.70
04/16/08 [D.N. 447]	03/01/08 – 03/31/08	\$112,390.00	\$1,117.85	\$112,390.00	\$1,117.85
05/16/08 [D.N. 475]	04/01/08 – 04/30/08	\$43,956.75	\$1,290.72	\$43,956.75	\$1,290.72
06/12/08 [D.N. 498]	05/01/08 – 05/31/08	\$16,464.50	\$136.59	\$16,464.50	\$136.59
07/23/08 [D.N. 519]	06/01/08- 06/30/08	\$65,463.75	\$2,195.46	\$65,463.75	\$2,195.46
08/20/08 [D.N. 532]	07/01/08- 07/31/08	\$10,711.50	\$265.77	\$8,569.20	\$265.77
09/11/08 [D.N. 545]	08/01/08- 08/31/08	\$9,560.50	\$298.94	\$7,648.40	\$298.94
10/11/08 [D.N. 578]	09/01/08- 09/30/08	\$34,231.00	\$331.10	\$27,384.80	\$331.10
11/13/08 [D.N. 602]	10/01/08- 10/31/08	\$10,545.00	\$355.94	\$8,436.00	\$355.94
12/18/08 [D.N. 638]	11/01/08- 11/30/08	\$10,037.00	\$219.19	\$8,029.60	\$219.19
01/14/09 [D.N. 661]	12/01/08- 12/31/08	\$67,327.00	\$1,287.96	\$53,861.60	\$1,287.96
02/18/09 [D.N. 707]	01/01/09- 01/31/09	\$23,096.00	\$265.80	\$18,476.80	\$265.80
03/24/09 [D.N. 726]	02/01/09- 02/28/09	\$53,761.50	\$391.01	\$43,009.20	\$391.01
04/27/09 [D.N. 748]	03/01/09- 03/31/09	\$72,719.50	\$2,790.92	\$58,175.60	\$2,790.92
05/22/09 [D.N. 769]	04/01/09- 04/30/09	\$21,381.50	\$186.87	\$17,105.20	\$186.87
07/20/09 [D.N. 854]	05/01/09- 05/31/09	\$19,917.00	\$1,006.07	\$0.00	\$0.00

Date Filed	Period Covered	Requested Fees	Requested Expenses	Approved Fees	Approved Expenses
08/19/09 [D.N. 896]	06/01/09- 06/30/09	\$161,640.00	\$1,519.70	\$0.00	\$0.00

**SUMMARY OF PROFESSIONAL AND PARAPROFESSIONAL TIME**

**PROFESSIONALS:**

Name (Partner Or Associate)	Position of the Applicant, Number of Years in Position, Year of Obtaining License to Practice	Total Hours	Hourly Rate	Total Fee
Paul Steven Singerman	Partner since 1997. Member of FL Bar since 1983.	.80	\$535.00	\$428.00
Daniel Lampert	Partner since 1998. Member of FL Bar since 1979.	76.40	\$510.00	\$38,964.00
Arthur J. Spector	Partner since 2002. Member of NY Bar since 1975; Member of Michigan Bar since 1976; and Member of FL Bar since 2002.	151.90	\$500.00	\$75,950.00
Arthur J. Spector (Travel Rate)	Partner since 2002. Member of NY Bar since 1975; Member of Michigan Bar since 1976; and Member of FL Bar since 2002.	7.90	\$250.00	\$1,975.00
Jordi Gusó	Partner since 1998. Member of FL Bar since 1990.	.40	\$500.00	\$200.00
John Eaton	Partner since 2006. Member of FL Bar since 1990.	18.10	\$485.00	\$8,778.50
Franklin H. Caplan	Partner since 1995. Member of FL Bar since 1988.	140.50	\$475.00	\$66,737.50
Franklin H. Caplan (Travel Rate)	Partner since 1995. Member of Fla. Bar since 1988.	1.00	\$237.50	\$237.50
Steven Garellek	Partner since 2005. Member of NY Bar since 1985; Member of FL Bar since 1992.	3.60	\$450.00	\$1,620.00
Phyllis Bean	Associate since 2001. Member of the FL Bar since 1979.	48.70	\$430.00	\$20,941.00
Paul Avron	Associate since 1999. Member of AL Bar since 1992 (currently inactive); Member of FL Bar since 1995.	24.10	\$400.00	\$9,640.00

<b>Name (Partner Or Associate)</b>	<b>Position of the Applicant, Number of Years in Position, Year of Obtaining License to Practice</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
Kristopher Aungst	Associate since 2008. Member of Alabama Bar since 2002 and FL Bar since 2008.	1.50	\$330.00	\$495.00
Douglas Bates	Associate since 2004. Member of FL Bar since 2004.	37.60	\$320.00	\$12,032.00
<b>SUBTOTALS</b>		<b>512.50</b>		<b>\$237,998.50</b>

**PARAPROFESSIONALS**

<b>Name of Paraprofessional</b>	<b>Position Held, Number of Years in Position</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Fee</b>
Carmen Cruz	Paralegal; 15 years	20.30	\$185.00	\$3,755.50
Janette Diaz	Paralegal; 15 years	4.50	\$185.00	\$832.50
Alma Herzowitz	Paralegal; 10 years	2.00	\$185.00	\$370.00
Barbara Yglesia	Legal Assistant; 5 years	1.00	\$75.00	\$75.00
<b>SUBTOTALS</b>		<b>27.80</b>		<b>\$5,033.00</b>

**Grand Total: \$ 243,031.50**

**Total Hours: 540.30**

**Blended Rate: \$ 449.80**

**COMPENSATION BY CATEGORY**

<b>Project Categories</b>	<b>Total Hours</b>	<b>Total Fees</b>
Case Administration (501)	6.30	\$ 1,487.50
Business Operations (502)	5.30	2,650.00
Asset Disposition/Preservation (505)	309.20	145,426.00
Financing (506)	13.60	6,821.00
Fee/Employment Application (507)	18.50	3,989.50
Claims Administration and Objection (509)	10.50	4,912.50
Settlement and Compromise (517)	2.00	650.50
Plan and Disclosure Statement (518)	8.10	2,772.00
Litigation Consulting (527)	166.80	74,322.50
<b>TOTAL</b>	<b>540.30</b>	<b>\$243,031.50</b>

**EXPENSE SUMMARY**

<b>Expense Category</b>	<b>Total Expenses</b>
Filing Fees	\$ 0.00
Process Service Fees	0.00
Witness Fees	0.00
Court Report & Transcripts	0.00
Lien and Title Searches	0.00
Photocopies (In-house copies @ 10¢ each)	394.80
Postage	0.00
Overnight Delivery Charges	0.00
Outside Courier/Messenger Services	0.00
Long Distance Telephone Charges (Including Conference Calls)	442.91
Long Distance Fax Transmissions (long distance charges only)	0.00
Computerized Research (Lexis, Westlaw and PACER charges)	332.43
Travel Expenses (includes airfare and meals)	730.10
Other (Not specifically disallowed; must specify and justify)	0.00
<b>TOTAL "GROSS" AMOUNT OF REQUESTED DISBURSEMENTS</b>	<b>\$1900.24</b>

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
The SCO GROUP, INC., <i>et al.</i> , <sup>3</sup>	)	Case No. 07-11337 (KG)
	)	(Jointly Administered)
Debtors.	)	
_____	)	

Objection Deadline: September 21, 2009 at 4:00 p.m.  
Hearing Date: To be scheduled

**SEVENTH QUARTERLY APPLICATION FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES OF BERGER SINGERMANN, P.A., AS  
CO-COUNSEL TO THE DEBTORS IN POSSESSION FOR THE PERIOD  
FROM APRIL 1, 2009 THROUGH JUNE 30, 2009**

Pursuant to sections 330 and 331 of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (collectively, the “Bankruptcy Rules”), and the Court’s *Administrative Order Establishing Procedures for Interim Monthly Compensation of Professionals*, entered on or about October 4, 2007 (the “Administrative Order”) (Docket No. 95), Berger Singerman, P.A. (“BSPA” or the “Firm”), co-counsel to the Debtors in Possession (“Debtors”), hereby submits its *Seventh Quarterly Application and for Reimbursement of Expenses for the Period from April 1, 2009 through June 30, 2009* (the “Application”).

By this Application, BSPA seeks a quarterly interim allowance of compensation in the amount of **\$241,031.50** and reimbursement of actual and necessary expenses in the amount of **\$1,900.24** for a total allowance of **\$242,931.74** and payment of the unpaid portion of such fees and costs for the period of April 1, 2009 through June 30, 2009 (the “Interim Period”). In support of this Application, BSPA respectfully represents as follows:

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<sup>3</sup>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.

### **Background**

1. On September 14, 2007 (the “Petition Date”), the Debtors commenced these cases (the “Chapter 11 Cases”) by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

2. On or about October 4, 2007, the Court entered the Administrative Order, authorizing estate professionals (“Professionals”) to submit monthly applications for interim compensation and reimbursement for expenses, pursuant to the procedures specified therein. The Administrative Order provides, among other things, that a Professional may submit monthly fee applications. If no objections are made within 20 days after service of the monthly fee application the Professional may file a certificate of no objection, after which the Debtors are authorized to pay the Professional 80% of the requested fees and 100% of the requested expenses. Beginning with the period ending on December 31, 2007 and at three-month intervals, or such other intervals convenient to the Court, the Professional shall file and serve an interim application for allowance of the amounts sought in its monthly fee applications for that period. All fees and expenses paid are allowed on an interim basis until finally allowed by the Court.

3. The retention of BSPA, as co-counsel to the Debtors was approved effective as of the Petition Date by the *Order Authorizing Employment of Berger Singerman, P.A., as Co-Counsel for Debtors Nunc Pro Tunc to the Petition Date*, entered on October 4, 2007 (the “Retention Order”) (Docket No. 97). The Retention Order authorized BSPA to be compensated on an hourly basis and to be reimbursed for actual and necessary out-of-pocket expenses.

**BSPA'S APPLICATION FOR COMPENSATION AND  
FOR REIMBURSEMENT OF EXPENSES**

**Compensation Paid And Its Source**

4. All services for which BSPA requests compensation were performed for or on behalf of the Debtors.

5. BSPA has received no payment and no promises for payment from any source for services rendered or to be rendered in any capacity whatsoever in connection with the matters covered by this Application. There is no agreement or understanding between BSPA and any other person other than the partners of BSPA for the sharing of compensation to be received for services rendered in this case. BSPA has received payments during the year prior to the Petition Date in the amount of \$425,000 from the Debtors in connection with its prepetition representation of the Debtors. Such amount includes a retainer for postpetition services in the amount of \$275,000. BSPA was current as of the Petition Date, subject to a final reconciliation of the amount actually expended prepetition. Upon final reconciliation of the amount actually expended prepetition, any balance remaining from the payments to the Firm was credited to the Debtors and utilized as BSPA's retainer to apply to postpetition fees and expenses pursuant to the compensation procedures approved by this Court and the Bankruptcy Code.

**Monthly Fee Applications Covered Herein**

6. The interim fee applications for the periods April 1, 2009 through June 30, 2009 of BSPA have been filed and served pursuant to the Administrative Order.

7. On May 22, 2009, BSPA filed its Twentieth Interim Application for Compensation and for Reimbursement of Expenses as Co-Counsel to the Debtors in Possession for the Period from April 1, 2009 through April 30, 2009 [D.E. 769] ("Twentieth Interim Application") requesting \$21,381.50 in fees and \$186.87 in expenses. Pursuant to the



Administrative Order, BSPA has been paid \$17,105.20 of the fees and \$186.87 of the requested expenses in the Twentieth Interim Application. A true and correct copy of the Twentieth Interim Application is attached hereto as Exhibit A.

8. On June 29, 2009, BSPA filed its Twenty-First Interim Application for Compensation and for Reimbursement of Expenses as Co-Counsel to the Debtors in Possession for the Period from May 1, 2009 through May 31, 2009 [D.E. 854] ("Twenty-First Interim Application") requesting \$60,010.00 in fees and \$166.39 in expenses. Pursuant to the Administrative Order, BSPA has been paid \$48,008.00 of the fees and \$166.39 of the requested expenses in the Twenty-First Interim Application. A true and correct copy of the Twenty-First Interim Application is attached hereto as Exhibit B.

9. On August 19, 2009, BSPA filed its Twenty-Second Interim Application for Compensation and for Reimbursement of Expenses as Co-Counsel to the Debtors in Possession for the Period from June 1, 2009 through June 30, 2009 [D.E. 896] ("Twenty-Second Interim Application") requesting \$161,640.00 in fees and \$1,519.79 in expenses. BSPA has not yet been any of the fees and expenses requested in the Twenty-Second Nineteenth Interim application. A true and correct copy of the Twenty-Second Interim Application is attached hereto as Exhibit C.

#### **Requested Relief**

10. By this Application, BSPA requests that the Court approve payment of 100% of the fees and expenses incurred by BSPA during the Interim Period of April 1, 2009 through June 30, 2009.

11. At all relevant times, BSPA has been a disinterested person as the term is defined in §101(14) of the Bankruptcy Code and has not represented or held an interest adverse to the interest of the Debtors In Possession.

12. The professional services and related expenses for which BSPA requests interim allowance of compensation and reimbursement of expenses were rendered and incurred in connection with this case in the discharge of BSPA's professional responsibilities as attorneys for the Debtors in these chapter 11 cases. BSPA's services have been necessary and beneficial to the Debtors, their estates, and other parties in interest.

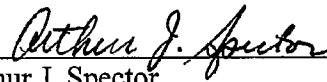
13. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount requested by BSPA is fair and reasonable given the (a) the complexity of the case, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under the Bankruptcy Code. Moreover, BSPA has reviewed the requirements of Del. Bankr. L. R. 2016-2 and the Administrative Order and believes that this Application complies with such Rule and Order.

*[Balance of Page Intentionally Blank]*

**WHEREFORE**, BSPA respectfully requests that the Court enter an order, in the form attached hereto, providing that an interim allowance be made to BSPA for the period of April 1, 2009 through June 30, 2009 in the sum of **\$241,031.50** as compensation for necessary professional services rendered, and the sum of **\$1,900.24** for reimbursement of actual and necessary expenses, for a total allowance of **\$242,931.74**; that the Debtors be authorized and directed to pay to BSPA the outstanding amount of such sums; and for such other and further relief as may be just and proper.

Dated: August 25, 2009

BERGER SINGERMANN, P.A.

  
\_\_\_\_\_  
Arthur J. Spector  
350 E. Las Olas Boulevard, 10<sup>th</sup> Floor  
Fort Lauderdale, FL 33301  
Telephone: (954) 525-9900  
Facsimile: (954) 523-2872  
Email: [aspector@bergersingerman.com](mailto:aspector@bergersingerman.com)

Co-Counsel for the Debtors-in-Possession

VERIFICATION

STATE OF FLORIDA :

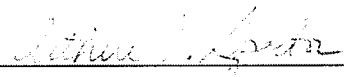
COUNTY OF BROWARD :

Arthur J. Spector, after being duly sworn according to law, deposes and says:

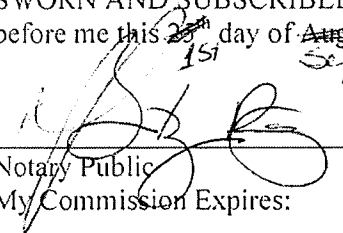
a) I am a shareholder of the applicant law firm Berger Singerman, P.A. ("BSPA"), and have been admitted to appear before this Court.

b) I am familiar with the legal services rendered by BSPA as counsel to the Debtors and am thoroughly familiar with the other work performed on behalf of the Debtors by the lawyers and paraprofessionals of BSPA.

c) I have reviewed the foregoing Application and the facts set forth therein are true and correct to the best of my knowledge, information and belief. Moreover, I have reviewed Del. Bankr. LR 2016-2 and the Administrative Order signed on October 4, 2007, and submit that the Application substantially complies with such Rule and Order.

  
\_\_\_\_\_  
Arthur J. Spector

SWORN AND SUBSCRIBED  
before me this ~~28<sup>th</sup>~~ day of ~~August~~, 2009.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

