

U.S. District Court
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:96-cv-00303-BSJ

Bondiatt, et al v. Novell Inc, et al
Assigned to: Judge Bruce S. Jenkins
Demand: \$0
Cause: 15:0077 Securities Fraud

Date Filed: 04/02/1996
Jury Demand: None
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Mark Bondiatt
an individual

represented by **Denver C. Snuffer, Jr.**
NELSON SNUFFER DAHLE &
POULSEN
10885 S STATE ST
SANDY, UT 84070
(801) 576-1400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy M Willardson
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POULSEN
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V.

Defendant

Novell, Inc.
a Delaware Corporation

represented by **Brian J Romriell**
PARR WADDOUPS BROWN GEE &
LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
(801)532-7840
Email: BJR@pwlaw.com
LEAD ATTORNEY
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Matthew B Durrant
PARR WADDOUPS BROWN GEE &

LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
(801)532-7840
TERMINATED: 03/19/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terry T. Johnson
WILSON SONSINI GOODRICH &
ROSATI (PALO ALTO)
650 PAGE MILL RD
PALO ALTO, CA 94304-1050
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David Sidney Steuer
WILSON SONSINI GOODRICH &
ROSATI (PALO ALTO)
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Jeffrey J. Hunt
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LOVELESS
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SALT LAKE CITY, UT 84147
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Email: jjh@pwlaw.com

Defendant

Robert J. Frankenberg
an individual

represented by **Matthew B Durrant**
(See above for address)
TERMINATED: 03/19/1998
LEAD ATTORNEY
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Terry T. Johnson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J Romriell
(See above for address)

David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

Alan C. Ashton
an individual

represented by **Matthew B Durrant**
(See above for address)
TERMINATED: 03/19/1998
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Terry T. Johnson
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Brian J Romriell
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David Sidney Steuer
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Jeffrey J. Hunt
(See above for address)

Defendant

Elaine R. Bond
an individual

represented by **Matthew B Durrant**
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LEAD ATTORNEY
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Terry T. Johnson
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LEAD ATTORNEY
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Brian J Romriell
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David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

Hans-Werner Hector
an individual

represented by **Matthew B Durrant**
(See above for address)
TERMINATED: 03/19/1998
LEAD ATTORNEY
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Terry T. Johnson
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LEAD ATTORNEY
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Brian J Romriell
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David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

Jack L. Messman
an individual

represented by **Matthew B Durrant**
(See above for address)
TERMINATED: 03/19/1998
LEAD ATTORNEY
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Terry T. Johnson
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LEAD ATTORNEY
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Brian J Romriell
(See above for address)

David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

Larry W. Sonsini
an individual

represented by **Matthew B Durrant**
(See above for address)
TERMINATED: 03/19/1998

*LEAD ATTORNEY
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Terry T. Johnson
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*LEAD ATTORNEY
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Brian J Romriell
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David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

Ian R. Wilson
an individual

represented by **Matthew B Durrant**
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*TERMINATED: 03/19/1998
LEAD ATTORNEY
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Terry T. Johnson
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*LEAD ATTORNEY
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Brian J Romriell
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David Sidney Steuer
(See above for address)

Jeffrey J. Hunt
(See above for address)

Defendant

John R. Young
an individual

represented by **Matthew B Durrant**
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*TERMINATED: 03/19/1998
LEAD ATTORNEY
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Terry T. Johnson
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian J Romriell

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David Sidney Steuer

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Jeffrey J. Hunt

(See above for address)

Defendant

David R. Bradford

an individual

represented by **Matthew B Durrant**

(See above for address)

TERMINATED: 03/19/1998

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Terry T. Johnson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian J Romriell

(See above for address)

David Sidney Steuer

(See above for address)

Jeffrey J. Hunt

(See above for address)

V.

All Defendants

All Dfts

All dfts to include Novell, Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford,

represented by **Matthew B Durrant**

(See above for address)

TERMINATED: 03/19/1998

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Terry T. Johnson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian J Romriell

(See above for address)

David Sidney Steuer
(See above for address)

Plaintiff

Ronald G. Rossi

represented by **Denver C. Snuffer, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy M Willardson
(See above for address)

Date Filed	#	Docket Text
04/02/1996	1	Complaint filed, assigned to Judge Bruce S. Jenkins Receipt #: 072297 (Entered: 04/04/1996)
04/05/1996	2	Certificate of service by Mark Bondiett re: notice of motion to consolidate or transfer 2:95cv523 G (ss) (Entered: 04/08/1996)
04/05/1996	3	Return of summons executed as to Novell Inc 4/4/96 Answer due on 4/24/96 for Novell Inc (ss) (Entered: 04/08/1996)
04/05/1996	4	Notice of filing by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford: Notice of motion to consolidate or transfer this case w/2:95cv00523G (ce) (Entered: 04/08/1996)
04/08/1996	6	Memorandum by Mark Bondiett in support of [5-1] motion for temporary restraining order (ce) (Entered: 04/09/1996)
04/08/1996	7	Notice of Hearing filed by plaintiff Mark Bondiett : Motion hearing set for 11:00 4/10/96 for [5-1] motion for temporary restraining order JUDGE: BSJ (ce) (Entered: 04/09/1996)
04/08/1996	8	Certificate of service [5-1] motion for temporary restraining order, [7-1] notice hearing Motion hearing set for 11:00 4/10/96 for [5-1] motion for temporary restraining order, [7-2] notice hearing, [6-1] support memorandum by Mark Bondiett & aff of Mark Bondiett (ce) (Entered: 04/09/1996)
04/08/1996	9	Return of summons executed as to Robert J. Frankenberg 4/2/96. Answer due on 4/22/96 for Robert J. Frankenberg (ce) (Entered: 04/09/1996)
04/09/1996	5	Motion by Mark Bondiett for temporary restraining order (ce) (Entered: 04/09/1996)
04/09/1996	10	Memorandum by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson,

		John R. Young, David R. Bradford in opposition to [5-1] motion for temporary restraining order (ce) (Entered: 04/10/1996)
04/09/1996	11	Affidavit of David R. Bradford (ce) (Entered: 04/10/1996)
04/10/1996	12	Minute entry: Motion hearing held for [5-1] motion for temporary restraining order ; pla sw'n & gave testimony; Crt denied [5-1] motion for temporary restraining order ; Crt ordered pla to supp record w/ further evidence of stock ownership w/in 10 days or case will be dism; dft's cnsl to prepare order; Crt reserved ruling on mot/consolidate; Judge: BSJ Court Reporter: Ed Young Court Deputy: Kim Jones (kj) (Entered: 04/10/1996)
04/10/1996	13	Notice of filing by Mark Bondiett re: Certification of Class Representative (tl) (Entered: 04/10/1996)
04/11/1996	14	Return of summons executed as to Alan C. Ashton, Elaine R. Bond, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford 4/10/96 Answer due on 4/30/96 for David R. Bradford, for John R. Young, for Ian R. Wilson, for Larry W. Sonsini, for Jack L. Messman, for Elaine R. Bond, for Alan C. Ashton c/o David Bradford, Agt (tl) (Entered: 04/15/1996)
04/12/1996	15	Affidavit of stock ownership by Mark Bondiett (tl) (Entered: 04/15/1996)
04/12/1996	16	Notice of filing by Mark Bondiett re: ntc of stock ownership (tl) (Entered: 04/15/1996)
04/16/1996	17	Supplemental Notice of filing by Mark Bondiett re: Notice of stock ownership (tl) (Entered: 04/17/1996)
04/17/1996		Proposed order from Mark Bondiett re: Denying pla's m/tro (tl) (Entered: 04/18/1996)
04/17/1996	18	Response by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford to [16-1] file notice re: pla's proof of stock ownership (tl) (Entered: 04/18/1996)
04/18/1996	19	Notice of filing by Mark Bondiett re: Supplemental memorandum on stock ownership (tl) (Entered: 04/22/1996)
04/22/1996	20	Order denying [5-1] motion for temporary restraining order. See order for specific details signed by BSj 4/17/96 cc:attys (tl) (Entered: 04/23/1996)
04/26/1996	21	Response by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford to [17-1] file notice (mjm) (Entered: 04/29/1996)
04/29/1996		Motion by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford for Terry T. Johnson to appear pro hac vice on behalf of dfts (tl) (Entered: 05/01/1996)
05/02/1996	22	Notice of filing by Mark Bondiett re: Second supplemental notice of stock ownership (tl) (Entered: 05/03/1996)

05/08/1996	23	Order granting [0-1] motion for Terry T. Johnson to appear pro hac vice on behalf of dfts signed by BSJ 5/8/96 cc:attys (tl) (Entered: 05/09/1996)
08/20/1996	24	Amended complaint by Mark Bondiett and Ronald G. Rossi added party(ies): Ronald G. Rossi . Amends [1-1] complaint (tl) (Entered: 08/21/1996)
08/20/1996	25	Certificate of service [24-1] amended complaint by Mark Bondiett, Ronald G. Rossi (tl) (Entered: 08/21/1996)
10/17/1996	26	Notice of Hearing filed : status conference set for 9:45 11/4/96 To be held before Judge BSJ cc:attys (tl) (Entered: 10/17/1996)
11/01/1996	27	Joint Stipulation by all pty's jt stip/to continue the status cnf currently set for 11/4/96 at 9:45 until 11/6/96 at 2:00 (tl) (Entered: 11/04/1996)
11/04/1996	28	Order granting [27-1] jt stip/to continue the status cnf currently set for 11/4/96 at 9:45 until 11/6/96 at 2:00, status conference reset for 2:00 11/6/96 signed by Judge Bruce S. Jenkins 11/4/96 cc:attys (tl) (Entered: 11/04/1996)
11/06/1996		Motion in open court by Novell Inc to dismiss (Entered: 11/06/1996)
11/06/1996		Motion hearing re: [0-0] motion to dismiss at 2:00 11/18/96 (Entered: 11/06/1996)
11/06/1996	29	Minute entry: status conference held. Cnsl brought the Ct up to date on the status of the case. Mr. Snuffer requested the Ct that an answer should be filed and the case should proceed forward. Mr. Durrant orally moved the Ct to dismiss the case with prejudice. The Ct set this matter down for argument on the mot/dism for 11/18/96 at 2:00 p.m. Judge: Bruce S. Jenkins Court Reporter: Rebecca Janke Court Deputy: Lois Wallberg (Entered: 11/06/1996)
11/18/1996	30	Minute entry: Argument & discussion heard. Crt rules: granting [0-0] motion to dismiss ; Mr. Durrant to prepare order. Judge: BSJ Court Reporter: Patti Walker Court Deputy: Michael R. Weiler Modified on 12/02/1996 (Entered: 11/18/1996)
12/27/1996	31	Order granting [0-0] motion to dismiss cts 3, 5 & 6 of pla's first amd cmp w/o prej answer due set for 1/13/97 for David R. Bradford, for John R. Young, for Ian Wilson, for Larry W. Sonsini, for Jack L. Messman, for Hans-Werner Hector, for Elaine R. Bond, for Alan C. Ashton, for Robert J. Frankenberg, for Novell Inc signed by Judge Bruce S. Jenkins, 12/27/96. cc: atty (ce) (Entered: 12/27/1996)
12/31/1996		2nd Amdcmp rec'd, no stipulation, no order to file. Lodged (tl) (Entered: 01/03/1997)
01/21/1997	32	Motion by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford to dismiss w/prej (tl) (Entered: 01/22/1997)
01/21/1997	33	Memorandum by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford in support of [32-1] motion to dismiss w/prej (tl) (Entered: 01/22/1997)
01/22/1997		NTC by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford hereinafter will be referred to as: All Dfts; party added

		(tl) (Entered: 01/22/1997)
01/22/1997	34	Ex parte motion by All Dfts for leave to file overlength memo/sup of m/dism (tl) (Entered: 01/23/1997)
01/29/1997	35	Notice of Hearing filed : Motion hearing set for 1:30 3/3/97 for [32-1] motion to dismiss w/prej To be held before Judge BSJ cc:attys (tl) (Entered: 01/29/1997)
01/29/1997	36	Order granting [34-1] ex parte motion for leave to file overlength memo/sup of m/dism of 14 pages in length, exclusive of its statment of facts. signed by Judge Bruce S. Jenkins 1/27/97 cc:attys (tl) (Entered: 01/29/1997)
02/10/1997	37	Memorandum by Mark Bondiett, Ronald G. Rossi in opposition to [32-1] motion to dismiss w/prej (tl) (Entered: 02/11/1997)
02/25/1997	38	Reply by All Dfts to response to [32-1] motion to dismiss w/prej (tl) (Entered: 02/26/1997)
03/03/1997	39	Minute entry: Argument & discussion heard. Crt rules: granting [32-1] motion to dismiss w/prej federal claims. Grants, motion to dismiss state claims without prejudice, Crt reserves right to elaborate on its findings Def cnsl to submit proposed order ; Judge: BSJ Court Reporter: Kelly Hicken Court Deputy: Michael R. Weiler (Entered: 03/04/1997)
03/26/1997	40	REQUEST FOR MANDATORY FINDINGS OF FACT re: Compliance w/FRCP 11(b) pursuant to the Private Securities Litigation Reform Act by All Dfts (tl) (Entered: 03/27/1997)
03/31/1997	41	Order, dismissing pla's 2nd amdcmp. Pla's 1st and 2nd clms for relief are dismissed w/prej; pla's 3rd, 4th, 5th and 6th clms for relief are dismissed w/out prej. signed by Judge Bruce S. Jenkins 3/31/97 cc:attys (tl) (Entered: 03/31/1997)
03/31/1997		Case closed per order #41 (tl) (Entered: 03/31/1997)
04/07/1997	42	Notice of appeal by Mark Bondiett, Ronald G. Rossi ; Fee Status: pd. 79354. App to the USCA for the Tenth Circuit from the order entered on 3/31/97. (rb) (Entered: 04/08/1997)
04/08/1997	43	Notice of appeal and certified copy of docket to USCA: [42-1] appeal pkts mailed to counsel. (rb) (Entered: 04/08/1997)
04/09/1997	44	Notice of Hearing filed : miscellaneous hearing set for 2:00 4/18/97 for [40-1] Mandatory findings of fact requested re: Compliance w/FRCP 11(b) pursuant to the private securities litigation reform act. To be held before Judge BSJ cc:attys (tl) (Entered: 04/09/1997)
04/14/1997	45	Affidavit of MichaelS. Eldredge (Entered: 04/15/1997)
04/15/1997	46	Memorandum by Mark Bondiett in opposition to [40-1] findings of fact requested re: req for Rule 11 Sanctions (tl) (Entered: 04/15/1997)
04/17/1997	47	Reply brief filed by All Dfts RE: [40-1] findings of fact requested/Mandatory findings regarding compliance w/FRCP 11(B) pursuant to the Private Securitites Litigation Reform Act (tl) (Entered: 04/18/1997)

04/18/1997	48	Minute entry:, Discussion held. Crt will consider proposed findings. Mr. Durrant to submit nlt 4/25/97 ; Judge: BSJ Court Reporter: Kelly Hicken Court Deputy: Michael R. Weiler (Entered: 04/21/1997)
04/18/1997		Notice of Docketing Appeal Letter from USCA Re: [42-1] appeal USCA NUMBER: 97-4054 (asb) (Entered: 04/21/1997)
04/25/1997		Transcript of Proceedings for dates of 11/18/96 (rb) (Entered: 04/28/1997)
04/29/1997	49	Objections by Mark Bondiett, Ronald G. Rossi re: obj to dft's "findings re: rule 11(b) compliance" (Entered: 04/30/1997)
04/29/1997	50	Certificate of service by Mark Bondiett, Ronald G. Rossi re: pla's orig findings re: Rule 11(b) compliance (pla's proposal) (Entered: 04/30/1997)
05/07/1997		Transcript of Proceedings for dates of 3/3/97 re: motion hrg held before Judge BSJ (Entered: 05/08/1997)
05/09/1997		Transcript of Proceedings for dates of 11/6/96, status conference. (ksp) (Entered: 05/09/1997)
05/15/1997	51	Transcript requested [42-1] appeal (asb) (Entered: 05/15/1997)
06/16/1997		Transcript filed [42-1] appeal for dates of 4/10/96 (asb) (Entered: 06/16/1997)
06/16/1997	52	Record is complete for purposes of appeal. Notice has been mailed to cnsl. (asb) (Entered: 06/16/1997)
06/27/1997	53	Motion by Novell Inc, Robert J. Frankenberg, Alan C. Ashton, Elaine R. Bond, Hans-Werner Hector, Jack L. Messman, Larry W. Sonsini, Ian R. Wilson, John R. Young, David R. Bradford, Ronald G. Rossi, All Dfts for Matthew B. Durrant to withdraw as attorney for dft's. The firm of Kimball Parr will still represent dft's in this matter. Pleadings should be directed to Brain J. Romriell of that firm (tl) (Entered: 06/30/1997)
03/19/1998	54	Order granting [53-1] motion for Matthew B. Durrant to withdraw as attorney for dft's. The firm of Kimball Parr will still represent dft's in this matter. Pleadings should be directed to Brain J. Romriell of that firm (Terminated attorney Matthew B Durrant for David R. Bradford, attorney Matthew B Durrant for John R. Young, attorney Matthew B Durrant for Ian R. Wilson, attorney Matthew B Durrant for Larry W. Sonsini, attorney Matthew B Durrant for Jack L. Messman, attorney Matthew B Durrant for Hans-Werner Hector, attorney Matthew B Durrant for Elaine R. Bond, attorney Matthew B Durrant for Alan C. Ashton, attorney Matthew B Durrant for Robert J. Frankenberg, attorney Matthew B Durrant for Novell Inc signed by Judge Bruce S. Jenkins , 3/19/98 cc: attys (Entered: 03/19/1998)
05/01/1998	55	Certified copy of mandate from USCA Re: [42-1] appeal affirmed. According to the USCA for the Tenth Circuit the jgm in the USDC-UT is affirmed. (asb) (Entered: 05/01/1998)
05/01/1998	56	Certified copies of the app mnd dkt ltr mailed to counsel of record. (asb) (Entered: 05/01/1998)

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