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4 Attorneys for Plaintiff  
 CALPINE CORPORATION  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

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 11 CALPINE CORPORATION, a California  
 Corporation,

CASE NO. 3:05-CV-00984-SI

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 13 Plaintiff,

**STIPULATION FOR TELEPHONIC  
 APPEARANCE AT THE CASE  
 MANAGEMENT CONFERENCE AND  
 PROPOSED ORDER**

14 v.

15 ACE AMERICAN INSURANCE  
 COMPANY,

Date: February 23, 2007  
 Time: 2:30 p.m.  
 Courtroom: 10  
 Judge: Hon. Susan Illston

16 Defendant.  
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 19 The parties to this action, by and through their counsel of record, hereby stipulate  
 20 and agree to appear by telephone at the Further Case Management Conference scheduled  
 21 for February 23, 2007, at 2:30 p.m., in Courtroom 10. The following counsel will be making  
 22 the telephonic appearances:

<u>Attorneys</u>	<u>Party Represented</u>
24 Martin L. Seeger, IV, Esq., (707) 526-7370	Plaintiff CALPINE CORPORATION
25 Brian E. Sims, Esq., (925) 937-9990	Defendant ACE AMERICAN INSURANCE COMPANY

1 I hereby attest that I have on file all holograph signatures for any signatures by a  
2 “conformed” signature (/S/) within this e-filed document.

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4 DATED: February 9, 2007

BABIN & SEEGER, LLP

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/S/

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\_\_\_\_\_  
Martin L. Seeger, IV  
Attorneys for Plaintiff  
CALPINE CORPORATION

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10 DATED: February 9, 2007

MORISON-KNOX HOLDEN & PROUGH, LLP

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/S/

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William C. Morison  
Thomas Holden  
Brian E. Sims  
Attorneys for Defendant  
ACE AMERICAN INSURANCE  
COMPANY

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**PROPOSED ORDER**

Based upon the above Stipulation, counsel for the parties may make telephonic appearances at the Case Management Conference scheduled for February 23, 2007, at 2:30 p.m., in Courtroom 10.

DATED: \_\_\_\_\_



UNITED STATES DISTRICT COURT JUDGE