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Attorneys for Plaintiffs

NETSCAPE COMMUNICATIONS

CORPORATION and AMERICA ONLINE, INC.

**UNITED STATES DISTRICT COURT****FOR THE NORTHERN DISTRICT OF CALIFORNIA****SAN JOSE DIVISION**NETSCAPE COMMUNICATIONS  
CORPORATION, et al.,

Plaintiffs,

v.

FEDERAL INSURANCE COMPANY, et al.,

Defendants.

CASE NO. 5:06-CV-00198 JW (PVT)

**SUPPLEMENTAL DECLARATION OF  
MICHAEL BRUCE ABELSON IN SUPPORT  
OF REPLY RE: CROSS MOTIONS FOR  
PARTIAL SUMMARY JUDGMENT  
[Attaching Additional Deposition Excerpts]****Motion to be Heard**

Date: March 26, 2007

Time: 9:00 a.m.

Judge: Hon. James Ware

Place: 8, 4<sup>th</sup> Floor, San Jose

**DECLARATION OF MICHAEL BRUCE ABELSON**

I, Michael Bruce Abelson, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and before the bar of this Court. I am a partner in the law firm of Abelson | Herron LLP and, in that capacity, I am counsel of record for Plaintiffs Netscape Communications Corporation and America Online, Inc. (collectively, the “Insureds”) in this action. I have personal knowledge of the matters stated herein, except as to matters upon which I state they are based upon information and belief. I could and would competently testify to the same.

2. Accompanying the Plaintiffs’ Reply Re: Cross-Motions for Partial Summary Judgment are true and correct copies of additional excerpts from the following depositions:

- **Michelle Midwinter** (St. Paul Underwriter), taken September 7, 2006 in New York, New York in connection with this coverage action.
- **Eric Solberg** (St. Paul’s Corporate Person Most Knowledgeable Re: “Making Known” Provision of St. Paul’s Policy), taken September 29 and November 7, 2006 in St. Paul, Minnesota in connection with this coverage action.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of March 2007 at Los Angeles, California.

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/S/  
Michael Bruce Abelson