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15 Attorneys for Plaintiffs

16 NETSCAPE COMMUNICATIONS

17 CORPORATION and AMERICA ONLINE, INC.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

20 NETSCAPE COMMUNICATIONS  
21 CORPORATION, et al.,

22 Plaintiffs,

23 v.

24 FEDERAL INSURANCE COMPANY, et al.,

25 Defendants

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

STIPULATION RE: HEARING DATE  
FOR PARTIES' CROSS MOTIONS FOR  
PARTIAL SUMMARY JUDGMENT RE:  
DUTY TO DEFEND; [PROPOSED]  
ORDER

Judge: Hon. James Ware  
Dept.: Courtroom 8

Complaint filed December 12, 2005

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USDS CASE NO. C-06-00198 JW (PVT)

STIPULATION RE: HEARING DATE FOR PARTIES' CROSS  
MOTIONS FOR PARTIAL SUMMARY JUDGMENT RE:  
DUTY TO DEFEND; [PROPOSED] ORDER

1 Plaintiffs America Online, Inc. and Netscape Communications Corporation (collectively,  
2 "Plaintiffs") and Defendant St. Paul Mercury Insurance Company ("Defendant"), by and through  
3 their respective undersigned counsel, are hereby agreed and stipulate as follows:

4 WHEREAS, the parties' Cross Motions for Partial Summary Judgment Re: Duty to  
5 Defend were previously set for hearing on April 30, 2007 (the "Hearing");

6 WHEREAS, on April 25, 2007, the Court entered an order continuing the Hearing to  
7 May 7, 2007;

8 WHEREAS, counsel for Plaintiffs is unavailable on May 7, 2007; and

9 WHEREAS, counsel for all parties have met and conferred and determined that they are  
10 all available for the Hearing on **June 7, 2007 at 9:00 a.m.**, and respectfully request that the  
11 Court continue the Hearing to that date and time.

12 Dated: April 30, 2007

ABELSON | HERRON, LLP

Michael Bruce Abelson

Leslie A. Pereira

14 By   
15 Attorneys for Plaintiffs

16 Netscape Communications Corporation and  
17 America Online, Inc.

18 Dated: April 30, 2007

GORDON & REES LLP

Sara R. Thorpe

D. Christopher Kerby

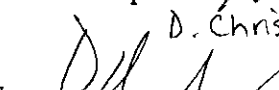
19 By   
20 Attorneys for Defendant St. Paul Mercury

21 Insurance Company  
22

23 Dated: April 30, 2007

MEAGHER & GEER LLP

Charles E. Spevacek / by

24 D. Christopher Kerby  
25 By   
26 Attorneys for Defendant St. Paul Mercury  
27 Insurance Company

28 USDS CASE NO C-06-00198 JW (PVT)

1 STIPULATION RE: HEARING DATE FOR PARTIES' CROSS  
MOTIONS FOR PARTIAL SUMMARY JUDGMENT RE:  
DUTY TO DEFEND; [PROPOSED] ORDER

**ORDER**

This Court having considered the parties' stipulation as set forth above, and good cause appearing, the Court orders as follows:

1. The hearing on the parties' Cross Motions for Partial Summary Judgment Re: Duty to Defend is continued from May 7, 2007 at 9:00 a.m. to June 7, 2007 at 9:00 a.m.

IT IS SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
JAMES WARE  
United States District Judge