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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

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.

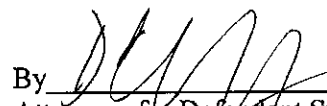
12 Dated: April 30, 2007

ABELSON | HERRON, LLP
Michael Bruce Abelson
Leslie A. Pereira

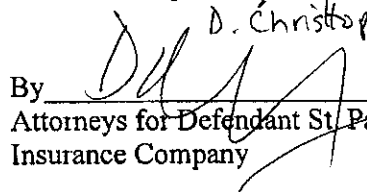
13
14
15 By 
16 Attorneys for Plaintiffs
17 Netscape Communications Corporation and
America Online, Inc.

18 Dated: April 30, 2007

GORDON & REES LLP
Sara R. Thorpe
D. Christopher Kerby

19
20
21 By 
22 Attorneys for Defendant St. Paul Mercury
Insurance Company

23 Dated: April 30, 2007

24 MEAGHER & GEER LLP
25 Charles E. Spevacek / by
D. Christopher Kerby
26 By 
27 Attorneys for Defendant St. Paul Mercury
Insurance Company

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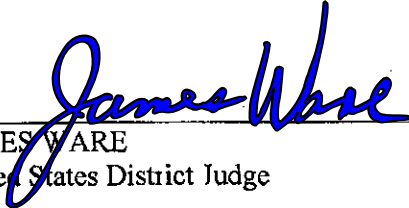
ORDER

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: May 1, 2007



JAMES WARE
United States District Judge