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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

NETSCAPE COMMUNICATIONS CORPORATION, et al.,  
  
Plaintiffs,  
  
v.  
  
FEDERAL INSURANCE COMPANY, et al.,  
  
Defendants.

**CASE NO. CV-06-00198 JW (PVT)**  
  
**[PROPOSED] ORDER AND JOINT STIPULATION CONTINUING HEARING OF EXPERT EXCLUSION MOTIONS SET FOR JULY 19, 2010**

**No Hearing Required**

1           **SUBJECT TO THE APPROVAL OF THIS COURT**, Plaintiffs Netscape  
2 Communications Corporation and America Online, Inc. (collectively, “Plaintiffs”) and  
3 Defendant St. Paul Mercury Insurance Company (“St. Paul”) jointly stipulate and agree as  
4 follows:

5           **WHEREAS**, pursuant to this Court’s Scheduling Order of November 23, 2009 (the  
6 “Scheduling Order”) (Dkt. # 190), the parties have exchanged expert witness designations; and

7           **WHEREAS**, the parties have each noticed motions seeking to exclude the others’  
8 designations (collectively, the “Expert Exclusion Motions”). See Dkt. # 209 (Plaintiffs’ Motion  
9 to Exclude); Dkt. # 210 (Defendant’s Motion to Exclude); and

10           **WHEREAS**, the scheduling of the Expert Exclusion Motions has been set for July 19,  
11 2010 by reason of the Scheduling Order’s strict timing provisions, which may not altered except  
12 by Court Order. See Scheduling Order at 2 & ¶ 6; and

13           **WHEREAS**, this Court has indicated on its website that is not hearing civil motions on  
14 July 19, 2010; and

15           **WHEREAS**, the parties are scheduled to appear for a Preliminary Pretrial Conference on  
16 June 28, 2010. See Scheduling Order at 1; see also Dkt. #211 (Joint Preliminary Pretrial and  
17 Trial Setting Conference Statement); and

18           **WHEREAS**, for reasons of timing, cost, and conservation of legal resources the parties  
19 desire to defer briefing of oppositions of the Expert Exclusion Motions which, under prevailing  
20 rules, are due June 28, 2010 – the same date as the pending Preliminary Pretrial Conference.

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1           **THEREFORE, AND SUBJECT TO THE APPROVAL OF THIS COURT, IT IS**  
2 **HEREWITH STIPULATED AND AGREED BY COUNSEL FOR THE PARTIES AS**  
3 **FOLLOWS:**

4           1.       The pending Expert Exclusions Motions currently set for hearing on July 19, 2010  
5 shall be taken off-calendar;

6           2.       The Expert Exclusion Motions will be reset for hearing by the Court following the  
7 Preliminary Pretrial Conference on June 28, 2010; and

8           3.       The parties' respective oppositions to the Expert Exclusion Motions shall be filed  
9 and submitted in accordance with the new hearing date determined by the Court.

10           **IT IS SO STIPULATED.**

11 Dated: June 17, 2010

**ABELSON | HERRON, LLP**

Michael Bruce Abelson  
Vincent H. Herron  
Leslie A. Pereira

12 By /s/ Michael Bruce Abelson

13 Michael Bruce Abelson  
14 Attorneys for Plaintiffs  
15 Netscape Communications Corporation and  
16 America Online, Inc.

17 Dated: June 17, 2010

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

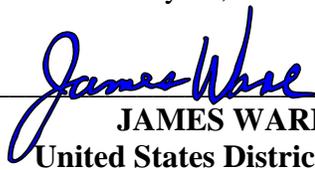
18 By /s/ Bruce D. Celebrezze

19 Bruce D. Celebrezze  
20 Attorneys for Defendant  
21 St. Paul Mercury Insurance Company

22           **ORDER**

23           **IT IS SO ORDERED** this 21 day of June 2010.

24 The hearing remains on calendar set for July 19, 2010 at 9:00 AM.

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28 **JAMES WARE**  
**United States District Judge**