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6 *Attorneys for Defendants*
Federal Insurance Company and
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 NETSCAPE COMMUNICATIONS
 CORPORATION, a Delaware corporation; and
 12 AMERICA ONLINE, INC., a Delaware
 corporation,

13 Plaintiffs,

14 v.

15 FEDERAL INSURANCE COMPANY, an
 16 Indiana corporation; NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH,
 17 PA, a Pennsylvania corporation; ST. PAUL
 MERCURY INSURANCE COMPANY, a
 18 Minnesota corporation; EXECUTIVE RISK
 SPECIALTY INSURANCE COMPANY, a
 19 Connecticut corporation, and DOES 1 through
 20 50,

21 Defendants.

No. 5:06-cv-00198 JW (PVT)

**[PROPOSED] ORDER GRANTING
 DEFENDANTS FEDERAL
 INSURANCE COMPANY AND
 EXECUTIVE RISK SPECIALTY
 INSURANCE COMPANY'S MOTION
 TO DISMISS SEVENTH CAUSE OF
 ACTION FOR UNFAIR BUSINESS
 PRACTICES**

Date: April 17, 2006
 Time: 9:00 a.m.
 Courtm: 8

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1 This matter is before the Court on Defendants Federal Insurance Company (“Federal”)
2 and Executive Risk Specialty Insurance Company’s (“ERSIC”) Motion to Dismiss Seventh Cause
3 of Action for Unfair Business Practices.

4 Upon consideration of the pleadings, and the argument of counsel, for good cause shown,
5 Federal and ERSIC’s Motion to Dismiss Count Seven is hereby GRANTED without leave to
6 amend.

7
8 Dated: _____, 2006

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United States District Judge

10 Submitted By:

11 ROSS, DIXON & BELL, LLP

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13 //Terrence R. McInnis//
14 Terrence R. McInnis
Monique M. Fuentes

15 Attorneys for Defendants
16 *Federal Insurance Company and*
17 *Executive Risk Specialty Insurance Company*
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