

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE 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.

NO. C 06-00198 JW

**ORDER TO SHOW CAUSE
RE: SETTLEMENT BETWEEN
PLAINTIFFS AND DEFENDANTS
FEDERAL AND EXECUTIVE.**

United States District Court
For the Northern District of California

The parties have informed the Court that Plaintiffs Netscape Communications Corporation and America Online, Inc. (collectively, "Plaintiffs") and Defendants Federal Insurance Company ("Federal") and Executive Risk Speciality Insurance Company ("Executive") have reached a settlement in the above-entitled matter. In light of the settlement, the Court vacates all trial and pretrial dates as to Defendants Federal and Executive. On or before June 9, 2006, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, Plaintiffs, Federal, and Executive shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on June 26, 2006 at 9:00 a.m. and to show cause, if any, why the case between Plaintiffs, Federal, and Executive should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before June 9, 2006, the Plaintiffs, Federal, and Executive shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of Plaintiffs, Federal, and Executive for finalizing the settlement and how much additional time is requested to finalize and file the dismissal.

1 If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically
2 vacated.

3 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
4 this action against Federal and Executive.

5 Nothing in this Order shall pertain to the ongoing case between Plaintiffs and Defendant St.
6 Paul Mercury Insurance Company.

7
8 Dated: May 8, 2006

06cv1980scsettlFedExec

/s/ James Ware
JAMES WARE
United States District Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Daniel J. Bergeson dbergeson@be-law.com
3 Gordon I. Endow gendow@gordonrees.com
4 Jeffrey M. Ratinoff jratinoff@gordonrees.com
5 Leslie Ann Pereira lpereira@abelsonherron.com
6 Marc G. van Niekerk mvanniekerk@be-law.com
7 Michael Bruce Abelson mabelson@abelsonherron.com
8 Monique M. Fuentes courtir@rdblawn.com
9 Sara M. Thorpe sthorpe@gordonrees.com
10 Terrence R. McInnis courtir@rdblawn.com

11 **Dated: May 8, 2006**

Richard W. Wieking, Clerk

12 **By: /s/ JW Chambers_____**
13 **Melissa Peralta**
14 **Courtroom Deputy**