Netscape Comm	nunications Corporation et al v. Feder	al Insurance Compa	any et al		
	Case 5:06-cv-00198-JW	Document 45	Filed 07/24/2006	Page 1 of 3	
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5	UNITED STATES DISTRICT COURT				
6	NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION				
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9	NETSCAPE COMMUNICATION CORPORATION, a Delaware	,	CASE NO. C-06-0	0198 JW (PVT)	
10	and AMERICA ONLINE, INC.		[PROPOSED] OR	DER ON CASE	
11		) )	MANAGEMENT C		
12		aintiffs, )			
13	FEDERAL INSURANCE CON	) /IPANY, an )	Complaint Filed:	12/12/05	
14 15	Indiana corporation; ST. PAU	,	Amended Compla	aint Filed: 2/24/06	
15	corporation; EXECUTIVE RIS	SK )			
10	Connecticut corporation,	) )			
18	De	) efendants.			
10		)			
20	The Court having held a Case Management Conference in this matter June 19,				
21	2006, and the parties having met and conferred thereafter to agree upon dates consistent				
22	with this Court's Order, and good cause appearing,				
23					
24	IT IS HEREBY ORDERED THAT				
25	1. Joinder of Parties: Any new parties shall be joined no later than June 30,				
26	2006.				
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	[PROPOSED] ORDER ON CASE MANAGEMENT CONFERENCE CASE NO. C-06-00198 JW (PVT)				

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1	2. ADR. The parties shall be referred to mediation before a private mediator			
2	after the conclusion of discovery and briefing in Phase One of the case.			
3	3. Initial Disclosures. The parties have been and shall continue to exchange			
4 5	initial disclosures consistent with Phase One issues in the case.			
6	Phasing of Case.			
7	This case shall proceed in Two Phases, as follows:			
8	a. Phase One shall include discovery and motion practice on whether			
9	St. Paul had a duty to defend AOL and Netscape under its policy and			
10	discovery and motion practice as to whether there are grounds for			
11	reforming the St. Paul Policy and defenses to any reformation			
12 13	Counter-Claim.			
14	b. Phase Two will include discovery on the contingent issues relating to			
15	the causes of action for breach of the covenant of good faith and fair			
16	dealing and unfair business practices, and trial on those issues and			
17	any Counter-Claim for reformation not resolved in Phase One. St.			
18	Paul reserves the right to request that there be a separate			
19 20	proceeding as to any remaining issues relating to the reformation			
20 21	claim, and/or that discovery and/or trial of the punitive damage			
22	request be bifurcated from the rest of the proceedings.			
23	5. Phase One Motions. The following deadlines apply to Phase One:			
24	September 20, 2006 – St. Paul file summary judgment motion(s);			
25	October 11, 2006 - AOL/Netscape file opposition/cross-motion;			
26	October 24, 2006 – St. Paul file reply/opposition; and			
27 28	-2-			
20	[PROPOSED] ORDER ON CASE MANAGEMENT CONFERENCE CASE NO. C-06-00198 JW (PVT)			

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1	November 6, 2006 - AOL/Netscape file reply.				
2	November 20 - Hearing on motion(s).				
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4					
5	pages on their reply briefs.				
6	7. This Court will schedule a further Case Management Conference after the				
7	hearing of the Phase One Motion(s), at which time the Court will set further deadlines and				
8	dates for Phase Two, if necessary.				
9	8. St Paul will file its Amended Counter-Claim by July 25, 2005. Plaintiffs shall				
10	have until August 7, 2006 to file a new motion to dismiss, which will be heard on				
11	September 11, 2006 (date previously reserved).				
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13	Dated: HONORABLE JAMES WARE				
14	JUDGE, UNITED STATES DISTRICT COURT				
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