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16 Attorneys for Plaintiffs
 17 NETSCAPE COMMUNICATIONS CORP.
 18 and AMERICA ONLINE, INC.

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

21 NETSCAPE COMMUNICATIONS
 22 CORPORATION, et al
 23
 24 Plaintiffs,
 25 v.
 26 FEDERAL INSURANCE COMPANY, et al.
 27
 28 Defendants.

CASE NO. C-06-00198 JW (PVT)

**~~PROPOSED~~ ORDER AND
 STIPULATION SHORTENING TIME
 FOR BRIEFING AND HEARING OF
 PLAINTIFFS' MOTION TO COMPEL
 PRODUCTION OF DOCUMENTS AND
 RESPONSES**

Proposed Hearing Date

Date: October 17, 2006
 Time: 10:00 a.m.
 Judge: Magistrate Trumbull
 Dept.: Courtroom 5 (Fourth Floor)

Complaint filed December 12, 2005

USDS CASE NO. C-06-00198 JW (PVT)

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To facilitate the briefing and hearing of Plaintiffs' Motion to Compel Production of Documents and Responses by Defendant St Paul Mercury Insurance Company (the "Motion to Compel"), the parties stipulate – subject to the Court's approval – as follows:

1. This is an insurance coverage action. Pursuant to Court Order, discovery and motion practice is proceeding in various phases. Originally, Phase One (the coverage phase) was scheduled to close on November 20, 2006 with the hearing of the parties' cross-motions for summary judgment. At the parties' request, the Court extended Phase One's summary judgment hearing date into February 2007. At the same time, October 20, 2006 was designated as the Phase One discovery cut-off.

2. To date, no discovery motions have been brought in this action. With regard to the instant motion, the parties have now met and conferred in an effort to narrow and resolve matters for this Court's consideration. What remain for hearing are those issues where the parties have reached impasse.

3. Expediting the briefing, hearing, and disposition of the instant Motion to Compel will help to keep the present action (as well as its pending deadlines) "on track."¹

4. The parties, therefore, request that Plaintiffs' Motion to Compel be brought and heard upon shortened notice. As requested, hearing before Magistrate Trumbull is sought on Tuesday, October 17, 2006 at 10:00 a.m. in Courtroom 5 (Fourth Floor). The proposed briefing schedule is as follows:

(a) Plaintiffs' Moving Papers shall be filed and served on or before Friday, September 29, 2006;

¹ Plaintiffs note that the disposition of their Motion to Compel may result in the production of information which necessitates further discovery beyond the October 20, 2006 cut-off. The parties have agreed to work in good faith to address any such issues resulting from the Court's order.

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(b) Defendants Opposition, if any, shall be filed and served on or before
Friday, October 6, 2006;

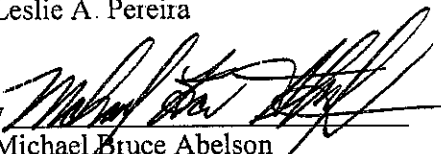
(c) Plaintiffs' Reply, if any, shall be filed and served on or before
Thursday, October 12, 2006.

All papers and exhibits shall be served upon opposing counsel by either email or
facsimile, with additional "back up" copies of pleadings transmitted by regular mail or overnight
delivery.

IT IS SO STIPULATED.

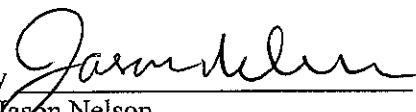
Dated: September 22nd, 2006

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Michael Bruce Abelson
Leslie A. Pereira

By 
Michael Bruce Abelson
Attorneys for Plaintiffs
Netscape Communications Corporation and
America Online, Inc.

Dated: September 22, 2006

GORDON & REES LLP
Jason Nelson

By 
Jason Nelson
Attorneys for Defendant
St Paul Mercury Insurance Company

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 9/26/06 
Hon Patricia V Trumbull, Magistrate Judge