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NETSCAPE COMMUNICATIONS CORP.  
and AMERICA ONLINE, INC.

**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. C-06-00198 JW (PVT)  
  
**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND TESTIMONY**  
  
Motion Heard  
  
Date: October 17, 2006  
Time: 10:00 a.m.  
Judge: Magistrate Trumbull  
Dept: Courtroom 5 (Fourth Floor)  
  
Complaint filed December 12, 2005

1 On October 17, 2006, Plaintiffs Netscape Communications Corporation  
2 and America Online, Inc.'s Motion to Compel Production of Documents and Testimony  
3 from Defendant St. Paul Mercury Insurance Company came on for hearing at 10:00 a.m.  
4 in Courtroom 5 (fourth floor) of the above-captioned court, Magistrate Trumbull,  
5 presiding.

6 Upon review of the papers and the presentation of counsel for Plaintiffs  
7 and Defendant St. Paul Mercury Insurance Company, and for Good Cause having been  
8 shown therefore, the Court:

- 9 1. GRANTS Plaintiffs Motion to Compel Production of Documents  
10 and Testimony; and  
11 2. FURTHER ORDERS THAT, within ten days of this Order,  
12 Defendant St. Paul produce documents and testimony in each of the following categories:

13  
14 AOL Request for Production No. 15: All DOCUMENTS

15 which, in whole or in part, interpret, explain, and/or provide  
16 meaning to and/or for the following "personal injury offense" in  
17 the ST. PAUL POLICY: "*making known to any person or*  
18 *organization written or spoken material that violates a person's*  
19 *right of privacy.*"  
20

21  
22 AOL Request for Production No. 22: All transcripts of deposition or trial

23 testimony given by ST. PAUL personnel concerning any claim under the  
24 "personal injury" or "advertising injury" portions of any policy issued by ST.  
25 PAUL concerning the following offense: "*making known to any person or*  
26 *organization written or spoken material that violates a person's right of privacy.*"  
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Netscape Request for Production No. 6: All “Side By Side” comparisons relating to the “*making known*” provision of the Personal Injury coverage in YOUR general liability and/or technology general liability policy.

Netscape Request for Production No. 7: All “Side By Side” comparisons relating to the “*making known*” provision of the Advertising Injury coverage in YOUR general liability and/or technology general liability policy.

PMK Deposition Topic No. 4: All changes to the “*making known*” language of the “personal injury liability” coverage in ST. PAUL’s technology commercial liability policy since 1985.

PMK Deposition Topic No. 5: All changes to the “*making known*” language of the “Personal Injury liability” coverage in ST. PAUL’s commercial liability policy since 1985.

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“Deliberately Breaking the Law” Request

Netscape Request No. 8: All “Side by Side” comparisons relating to the “deliberately breaking the law” exclusion in YOUR general liability and technology general liability policy.

**ORDER**

It is so Ordered this \_\_\_\_ day of October 2006

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Magistrate of the United States District Court