

1 ABELSON | HERRON LLP  
2 Michael Bruce Abelson (State Bar No. 130739)  
3 Leslie A. Pereira (State Bar No. 180222)  
4 333 South Grand Ave, Suite 650  
5 Los Angeles, California 90071-1559  
6 Telephone: (213) 402-1900  
7 Facsimile: (213) 402-1901  
8 mabelson@abelsonherron.com  
9 lpereira@abelsonherron.com

7 BERGESON, LLP  
8 Daniel J. Bergeson (State Bar No. 105439)  
9 Hway-ling Hsu (State Bar No. 196178)  
10 303 Almaden Boulevard, Suite 500  
11 San Jose, California 95110-2712  
12 Telephone: (408) 291-6200  
13 Facsimile: (408) 297-6000  
14 dbergeson@be-law.com  
15 hhsu@be-law.com

12 Attorneys for Plaintiff  
13 NETSCAPE COMMUNICATIONS CORP.  
14 and AMERICA ONLINE, INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

17 NETSCAPE COMMUNICATIONS  
18 CORPORATION, et al.,  
19 Plaintiffs,

20 v.

21 FEDERAL INSURANCE COMPANY, et al.,  
22 Defendants.

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

DECLARATION OF MICHAEL BRUCE  
ABELSON IN SUPPORT OF PLAINTIFFS’  
MOTION TO COMPEL

Motion Heard

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

Complaint filed December 12, 2005

**DECLARATION OF  
MICHAEL BRUCE ABELSON**

I. Michael Bruce Abelson, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and before the bar of this Court. In that capacity, I am counsel to Plaintiffs Netscape Communications Corporation and America Online, Inc. in the above-captioned action between Plaintiffs and St. Paul Mercury Insurance Company.

2. Pursuant to this Court's Interim Order Re: Plaintiffs' Motion to Compel (dated November 16, 2006) and Civil Local Rule 7-5(a), attached hereto as Exhibit A is a true and correct copy of the disputed discovery requests (and responses) which are the subject of the Plaintiffs' Motion to Compel, scheduled to be heard by the Court on Tuesday, October 17, 2006. Exhibit A is the stipulated end product of a lengthy meet and confer process between counsel that narrowed the scope of the parties' dispute. Exhibit A accurately reflects the current positions of the parties, and differs substantially from the original request and responses. The attached Exhibit A replicates – without change or alteration – the Exhibit A attached to Plaintiffs' Motion to Compel, presently on file with the Court.

3. Attached hereto as Exhibit B is a true and correct copy of St. Paul's privilege log in this matter. (For the court's convenience, I have marked Exhibit B with black pen to highlight the exhibit's reference to James Zacharski). The attached Exhibit B replicates – without change or alteration – the Exhibit B attached to Plaintiffs' Motion to Compel, presently on file with the Court.

///

///

///

///

///

DECLARATION OF MICHAEL BRUCE ABELSON IN  
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL

1 I declare under penalty of perjury of the laws of the United States of America that  
2 the foregoing is true and correct.

3 Executed this 16<sup>th</sup> day of October 2006 at Los Angeles, California.

4  
5  
6 /s/

Michael Bruce Abelson

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 DECLARATION OF MICHAEL BRUCE ABELSON IN  
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL