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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 NETSCAPE COMMUNICATIONS  
CORPORATION, a Delaware corporation; and  
12 AMERICA ONLINE, INC., a Delaware  
corporation

13 Plaintiffs,

14 v.

15 FEDERAL INSURANCE COMPANY, an  
16 Indiana corporation; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH,  
17 PA, a Pennsylvania corporation; ST. PAUL  
MERCURY INSURANCE COMPANY, a  
18 Minnesota corporation; EXECUTIVE RISK  
SPECIALTY INSURANCE COMPANY, a  
19 Connecticut corporation, and DOES 1 through  
20 50,

21 Defendants.

No. 5:06-cv-00198 PVT

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND  
REQUEST FOR REASSIGNMENT TO  
A UNITED STATES DISTRICT  
COURT JUDGE**

22  
23 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

24 The undersigned hereby declines to consent to the assignment of this case to a United  
25 States Magistrate Judge for trial and disposition and hereby requests the reassignment of the  
26 above-referenced case to a United States District Judge.

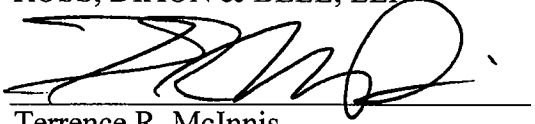
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835920 v 1

DECLINATION TO PROCEED BEFORE MAGISTRATE JUDGE/REQUEST FOR CASE REASSIGNMENT

1 Dated: January 18, 2006

Respectfully submitted,

ROSS, DIXON & BELL, LLP

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