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**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**

Complaint filed: 12/12/05

Amended Complaint filed: 2/24/06

WHEREAS, on July 24, 2006, the parties' submitted a stipulated request that the Court enter an order regarding several administrative matters pertaining to the parties' proposal for cross motions for summary judgment on the duty to defend. See Document No. 45 on the Court's docket.

WHEREAS, among other things, the parties requested that they be allowed to file opening briefs of up to 30 pages – a length that exceeds the 25-page limit stated in Local Rule 7-

1 4(b) This change was requested because the parties have agreed to file a total of only four briefs  
2 (two opening briefs and two reply briefs) instead of the legally-permissible six briefs (two  
3 opening briefs, two oppositions, and two replies). Thus, the parties' briefing proposal will  
4 ultimately reduce the number of pages submitted to the Court.

5 WHEREAS, the parties' stipulated proposed order was not entered by the Court.

6 WHEREAS, Plaintiffs' opening brief on its cross motion is due on Friday, January 12,  
7 2007.

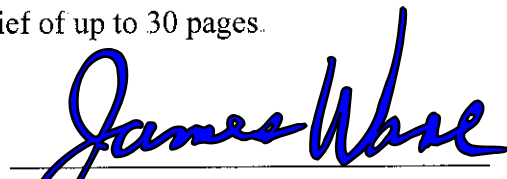
8 WHEREAS, Plaintiffs continue to maintain judicial economy is best served by filing 30  
9 pages in order to effectively cross move and oppose St. Paul's motion (filed December 1, 2006).

10 Upon consideration of the foregoing, and for good cause shown, the Court orders as  
11 follows:

12 Plaintiffs are permitted to file an opening brief of up to 30 pages.


13 IT IS SO ORDERED.

14 Dated: January 11, 2007

  
\_\_\_\_\_  
Hon. James Ware  
United States District Judge

15 Submitted by:

16 ABELSON | HERRON, LLP  
17 Michael Bruce Abelson  
18 Leslie A. Pereira  
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21 Leslie A. Pereira

22 Attorneys for Plaintiffs America Online, Inc  
23 And Netscape Communications Corp  
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