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17 Attorneys for Plaintiffs
 18 NETSCAPE COMMUNICATIONS
 19 CORPORATION and AMERICA ONLINE, INC.

20 **UNITED STATES DISTRICT COURT**
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 22 **SAN JOSE DIVISION**

23 NETSCAPE COMMUNICATIONS
 24 CORPORATION, et al ,

25 Plaintiffs,

26 v.

27 FEDERAL INSURANCE COMPANY, et al ,

28 Defendants

CASE NO. 5:06-CV-00198 JW (PVT)

Case Filed: December 12, 2005

Assigned to: Hon James Ware

Courtroom: 8

**DECLARATION OF MICHAEL BRUCE
 ABELSON IN SUPPORT OF CROSS
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT [Attaching Deposition Excerpts]**

Date: March 26, 2007

Time: 9:00 a.m.

Judge: Hon. James Ware

Place: 8, 4th Floor, San Jose

DECLARATION OF MICHAEL BRUCE ABELSON

I, Michael Bruce Abelson, declare as follows:

1 I am an attorney duly licensed to practice law in the State of California
2 and before the bar of this Court. I am a partner in the law firm of Abelson | Herron LLP
3 and, in that capacity, I am counsel of record for Plaintiffs Netscape Communications
4 Corporation and America Online, Inc. (collectively, the “Insureds”) in this action. I have
5 personal knowledge of the matters stated herein, except as to matters upon which I state
6 they are based upon information and belief. I could and would competently testify to the
7 same.
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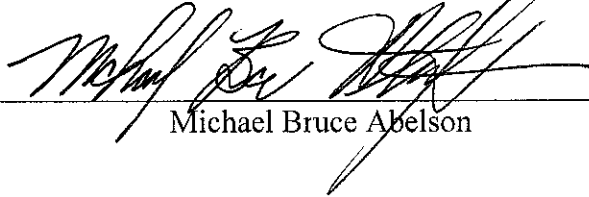
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10 2. Accompanying the Insureds’ Cross-Motion for Partial Summary Judgment
11 and Opposition (and attached hereto) are true and correct copies of excerpts from the
12 following depositions which have been filed in the Insureds’ Cross Motion and
13 Opposition:

- 14 • **Janice Corbetis** (St. Paul Regional Underwriting Director), taken September 8,
15 2006 in New York, New York in connection with this coverage action.
- 16 • **Dale Evensen** (St. Paul Technology Claims Adjuster), taken October 4 and
17 November 7, 2006 in St. Paul, Minnesota in connection with this coverage action.
- 18 • **Michelle Midwinter** (St. Paul Underwriter), taken September 7, 2006 in New
19 York, New York in connection with this coverage action.
- 20 • **Eric Solberg** (St. Paul’s Corporate Person Most Knowledgeable Re: “Making
21 Known” Provision of St. Paul’s Policy), taken September 29 and November 7,
22 2006 in St. Paul, Minnesota in connection with this coverage action.
- 23 • **Glenn A. Spencer** (AOL Risk Manager), taken August 15, 2006 in Kansas City,
24 Missouri in connection with this coverage action.

- 1 • **Daniel Weiss** (St. Paul Technology Claims Adjuster), taken October 5 and
2 October 7, 2006 in St. Paul, Minnesota in connection with this coverage action.

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

5 Executed this 12th day of January 2007 at Los Angeles, California.

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7 _____
8 Michael Bruce Abelson

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