

**ABELSON | HERRON LLP**

Michael Bruce Abelson (State Bar No. 130739)

Leslie A. Pereira (State Bar No. 180222)

333 South Grand Ave, Suite 650

Los Angeles, California 90071-1559

Telephone: (213) 402-1900

Facsimile: (213) 402-1901

mabelson@abelsonherron.com

lpereira@abelsonherron.com

**BERGESON, LLP**

Daniel J. Bergeson (State Bar No. 105439)

Hway-ling Hsu (State Bar No. 196178)

303 Almaden Boulevard, Suite 500

San Jose, California 95110-2712

Telephone: (408) 291-6200

Facsimile: (408) 297-6000

dbergeson@be-law.com

hhsu@be-law.com

Attorneys for Plaintiff

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)

Case Filed: December 12, 2005

Assigned to: Hon. James Ware

Courtroom: 8

**PLAINTIFFS' COMPENDIUM OF  
AUTHORITIES IN SUPPORT OF  
CROSS-MOTION FOR PARTIAL  
SUMMARY JUDGMENT**Motion to be Heard

Date: March 26, 2007

Time: 9:00 a.m.

Judge: Hon. James Ware

Place: 8, 4<sup>th</sup> Floor, San Jose

COMPENDIUM OF AUTHORITIES

1. Bowyer v. Hi-Lad, Inc.,  
609 S.E.2d 895 (W.Va. 2004)
2. Buchanan v. Doe,  
431 S.E.2d 289 (Va. 1993)
3. Community TV Corp. v. Twin City Fire Ins. Co.,  
2002 WL 31677184, \*6 (Mass. Super. Ct.)
4. Lenscrafters, Inc. v. Liberty Mutual Fire Ins. Co.,  
2005 WL 146896 (N.D. Cal. 2005)
5. Melrose Hotel Co. v. St. Paul Fire and Marine Ins. Co.,  
432 F. Supp. 2d 488 (E.D. Pa. 2006)
6. MGM Inc. v. Liberty Mutual Ins. Co.,  
855 P. 2d 77 (Kan. 1993)
7. Nestle U.S.A. v. Travelers Cas. & Surety Co.,  
1998 U.S. Dist. LEXIS 17287, \*8 (C.D. Cal. 1998)
8. Nutmeg Ins. Co. v. Imp. Ins. Co. of Wausau,  
2006 U.S. Dist. LEXIS 7246, \*26 (N.D. Tex.)
9. Palmetto Ford, Inc. v. First Southern Ins. Co.,  
7 F.3d 225 (4th Cir. 1993) (unpublished) (reported as unpublished Full-  
Text Opinion at 1993 U.S. App. LEXIS 24481)
10. Park Univ. Enterprises, Inc. v. Am. Cas. Co. or Reading, PA,  
442 F.3d 1239 (10th Cir. 2006)
11. Registry Dallas Assoc. v. Wausau Bus. Ins. Co.,  
2004 U.S. Dist. LEXIS 5771, \*18 (N.D. Tex.)
12. Resource Bankshares Corp. v. St. Paul Merc. Ins. Co.,  
407 F.3d 631 (4th Cir. 2005)
13. State Farm Fire & Casualty Co. v. Singh,  
2006 U.S. Dist. LEXIS 33474 (E.D. Va.)
14. Tamm v. Hartford Fire Ins. Co.,  
2003 Mass. Super. LEXIS 214 (Mass. Super. Ct.)

15. Western Rim Invest. Advisors v. Gulf Ins. Co.,  
269 F. Supp. 2d 836 (N.D. Tex. 2003)

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Dated: January 11, 2007

ABELSON | HERRON LLP  
Michael Bruce Abelson  
Leslie A. Pereira

By \_\_\_\_\_ /s/  
Michael Bruce Abelson  
Attorneys for Plaintiffs  
Netscape Communications Corporation and  
America Online, Inc.