

1 SARA M. THORPE (SBN 146529)  
 sthorpe@gordonrees.com  
 2 D. CHRISTOPHER KERBY (SBN 124546)  
 ckerby@gordonrees.com  
 3 GORDON & REES LLP  
 Embarcadero Center West  
 4 275 Battery Street, Suite 2000  
 San Francisco, CA 94111  
 5 Telephone: (415) 986-5900  
 Facsimile: (415) 986-8054  
 6

7 Attorneys for Defendant  
 ST. PAUL MERCURY INSURANCE COMPANY

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

11 NETSCAPE COMMUNICATIONS )  
 CORPORATION, a Delaware corporation; )  
 12 and AMERICAN ONLINE, INC., a Delaware )  
 corporation, )  
 13 )  
 14 Plaintiffs,  
 vs.  
 15 FEDERAL INSURANCE COMPANY, an )  
 Indiana corporation; et al., )  
 16 )  
 17 Defendants.

CASE NO. 5:06-CV-00198 JW (PVT)  
**STIPULATION AND [PROPOSED]  
 ORDER**  
 Complaint Filed: 12/12/05  
 Amended Complaint: 2/24/06

Gordon & Rees LLP  
 275 Battery Street, Suite 2000  
 San Francisco, CA 94111

18  
 19 COMES NOW the parties, by and through their respective counsel, and stipulate  
 20 as follows:

- 21 1. The parties have filed cross-motions for partial for summary judgment on  
 22 the duty to defend and agreed to file a total of four briefs as follows: (a) St. Paul's  
 23 opening brief; (b) Plaintiffs' combined opening/opposition brief; (c) St. Paul's combined  
 24 opposition/reply brief; and (d) Plaintiffs' reply brief.  
 25 2. St. Paul filed an opening brief (24 pages) and Plaintiffs filed a combined  
 26 opening/opposition (30 pages).  
 27 3. The Northern District of California Local Rules provide that opposition  
 28 briefs shall be no more than 25 pages and reply briefs no more than 15 pages.

1 L.R. 7-3(a), (c); L.R. 7-4(b).

2 4. Given the number of issues in the cross-motions for partial summary  
3 judgment, the parties hereby agree that the page limits for the two remaining briefs may  
4 be as follows:

5 a. St. Paul is permitted to file a combined opposition/reply brief of up to 25  
6 pages; and

7 b. Plaintiffs are permitted to file a reply brief of up to 20 pages.

8 IT IS SO STIPULATED.

9 Dated: January 26, 2007

GORDON & REES LLP

10  
11 By: 

D. CHRISTOPHER KERBY  
Attorneys for Defendant ST. PAUL  
MERCURY INSURANCE COMPANY

12  
13 Dated: January 26, 2007

ABELSON HERRON LP

14  
15 By: 

LESLIE A. PEREIRA  
Attorneys for Plaintiffs NETSCAPE  
COMMUNICATIONS CORPORATION,  
AMERICAN ONLINE, INC.

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

16  
17  
18 **ORDER**

19  
20 This Court having considered the parties' stipulation set forth above, and good  
21 cause appearing, the Court orders as follows:

22  
23 1. St. Paul is permitted to file a combined opposition/reply brief of up to 25  
24 pages; and

25 2. Plaintiffs are permitted to file a reply brief of up to 20 pages.

26 Dated: \_\_\_\_\_

27 **JAMES WARE**  
United States District Judge