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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Genesis Ins. Co.,

NO. C 06-05526 JW

Plaintiff

**ORDER REQUESTING SUPPLEMENTAL
BRIEFING**

v.

Magma Design Automation, Inc., et al.,

Defendants.

Presently before the Court is a Proposed Judgment Pursuant to F.R.C.P. 54(b) and a letter from Mr. Dennis Cusak outlining the parties' objections to the Proposed Judgment. (See Docket Item No. 194.) Specifically, Magma and Genesis object to the portion of the proposed form that enters final judgment denying National Union's Motion to Dismiss and National Union objects to the proposed form insofar as it references a monetary amount and interest which were not set forth in the Court's December 20, 2010 Order. (See *id.*)

In its December 20, 2010 Order,¹ the Court determined that Genesis made a \$5 million contribution to the settlement and that Genesis was entitled to summary judgment as to its equitable subrogation claim against National. (Order at 14.) Thus, the Order references a monetary amount. However, the Order does not set forth any calculation of interest.

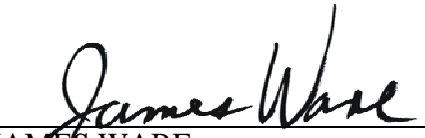
¹ (See Order Denying National's Motion to Dismiss; Granting in part and Denying in part Magma's Motion for Summary Judgment; Granting in part and Denying in part Genesis' Motion for Summary Judgment, hereafter, "Order," Docket Item No. 186.)

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Upon review, the Court finds that it would benefit from supplemental briefing from the parties as to: (1) the grounds for Genesis and Magma’s objections of the proposed form of judgment, and (2) the issue of calculation of prejudgment interest.

Accordingly, on or before **February 18, 2011**, the parties shall file supplemental briefing explaining the grounds for Genesis and Magma’s objection regarding the form of the judgment and addressing the issue of how the Court should calculate prejudgment interest for the purposes of issuing judgment.

Dated: February 9, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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11
12 **Dated: February 9, 2011**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy