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6 Attorneys for Defendant  
 7 OneBeacon America Insurance Company

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

11 NEXTG NETWORKS, INC.,  
 12 Plaintiff,  
 13 v.  
 14 ONEBEACON AMERICA INSURANCE  
 15 COMPANY,  
 16 Defendant.

CASE NO.: 5:11-cv-05318-RMW  
 Assigned to Honorable Ronald M. Whyte  
 Courtroom 6 - 4<sup>th</sup> Floor

**STIPULATION TO DEEM MOTION TO  
 DISMISS MOOT AND TO VACATE  
 JANUARY 6, 2012 HEARING DATE**



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1           Whereas NextG Networks, Inc. filed suit against OneBeacon America Insurance Company for  
2 breach of contract, declaratory judgment, and breach of the covenant of good faith and fair dealing,  
3 and

4           Whereas OneBeacon removed the action to the above-referenced court, and filed a motion to  
5 dismiss pursuant to FRCP Rule 12(b)(6), and

6           Whereas NextG Networks filed a first amended complaint prior to the hearing on the motion  
7 to dismiss,

8           Therefore, the parties wish to stipulate that the motion to dismiss the complaint is deemed  
9 moot, that the January 6, 2012 hearing date is vacated, and that OneBeacon has up to and including  
10 December 21, 2011 within which to file a responsive pleading to the first amended complaint.

11 Dated: December 5, 2011

SELVIN WRAITH HALMAN LLP

12  
13 By: /s/ Gary R. Selvin

Gary R. Selvin

David A. Evans

Attorneys for Defendant

OneBeacon America Insurance Company

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16 Dated: December 5, 2011

HOLLAND & KNIGHT LLP

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18 By: /s/ James A. Riddle –email authorization


James A. Riddle

Attorneys for Plaintiff

NextG Networks, Inc.

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21 **IT IS SO ORDERED.**

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23 Dated: \_\_\_\_\_

24   
25 United States Northern District Judge  
26 Honorable Ronald M. Whyte