

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

STATE OF NEW YORK, *et al.*,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

**ORDER**

As required by the Court's Order dated September 27, 2001, the three parties participated in a telephonic conference to apprise the Court of their progress in settling the above-captioned cases. The information provided during the conference call indicates that the parties have heeded the Court's admonitions concerning settlement discussions. Based upon the parties' representations, the Court is satisfied, at this point, that the parties have been diligent in their efforts to comply with the Court's previous Order. However, as the importance of these

negotiations cannot be overemphasized, the Court urges the parties to remain steadfast in their efforts to reach a mutually agreeable resolution.

Further adhering to the Court's Order dated September 27, 2001, the three parties have provided the Court with the name of an agreed-upon individual to serve as their facilitator/mediator. In this regard, the parties have jointly proposed Professor Eric D. Green of Boston University School of Law. The Court notes its particular appreciation of the parties' efforts in coming to agreement on a facilitator/mediator and is satisfied with Professor Green's credentials. Accordingly, it is this 12th day of October hereby

**ORDERED** that Professor Eric D. Green of Boston University School of Law is APPOINTED to serve as facilitator/mediator in the above-captioned cases.

**SO ORDERED.**

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COLLEEN KOLLAR-KOTELLY  
United States District Judge