

11/10/04 The parties proposed to submit a proposed scheduling order on or before January 7, 2005, if necessary, as hereby approved. So ordered.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

FILED

2004 NOV -8 A 10:35 U.S. DISTRICT COURT HARTFORD, CT.

MARIA DEGENNARO, Plaintiff, vs. EXPANETS, INC. n/k/a NETEXIT, INC., et al., Defendants.

CIVIL ACTION NO. 3:03-CV-940-11A November 5, 2004

PARTIES' JOINT STATUS REPORT

Plaintiff, Maria DeGennaro ("DeGennaro"), and Defendant, Avaya, LLC ("Avaya"), respectfully submit this Joint Status Report which addresses the matters listed in Rule 16(c) of the Federal Rules of Civil Procedure, as well as the status of this proceeding.

In light of certain recent developments with respect to the Netexit bankruptcy, including (a) the emergence of the former parent of Netexit, Northwestern Corp. ("Northwestern"), from bankruptcy proceedings, (b) an agreement by, inter alia, Northwestern to indemnify Avaya with respect to any liability arising from this action, and (c) advice which now has been received by both Plaintiff's counsel and Avaya's counsel from Netexit's counsel that Netexit has sufficient assets in its bankruptcy estate to satisfy any claim by Plaintiff, the parties are currently exploring whether they can fully and finally resolve this action, as well as the claim filed by Plaintiff in the United States Bankruptcy Court as to Netexit, and/or if the claims against Avaya should be voluntarily dismissed in light of the representations received from Netexit regarding the

In light of the filing of a bankruptcy petition by Defendants, Expanets, Inc. n/k/a Netexit, Inc. and Expanets of North America, LLC n/k/a Netexit of North America, LLC (collectively, Netexit), this action has been stayed as to those Defendants pursuant to the automatic stay provision of the Bankruptcy Code, 11 U.S.C. § 362. Pursuant to the Court's direction, Plaintiff has pursued her claims as to these Defendants in the United States Bankruptcy Court.

FILED 2004 NOV 10 P 2:04 U.S. DISTRICT COURT HARTFORD, CT.