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E-Filed 9/19/08

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

IN RE EBAY ANTITRUST LITIGATION

Case Number C 07-1882 JF (RS)

ORDER¹ OVERRULING OBJECTION
TO ORDER OF MAGISTRATE
JUDGE SEEBORG

[re: doc. no. 97]

Plaintiffs in this putative class action object to Magistrate Judge Seeborg’s order of August 29, 2008, which clarified an earlier order regarding a motion to compel as it related to Plaintiffs’ document request number 29. Judge Seeborg’s clarifying order stated that “at this juncture, contracts and agreements are the *only* materials that are to be produced, and that includes those pertaining to PayPal. The parties are then to meet and confer on what, if any, ‘back-up’ documentation should be produced and any further disputes may proceed in the ordinary course by noticed motion.” Order at 1, Aug. 29, 2008 (emphasis in original).

Plaintiffs argue that these discovery instructions are inconsistent with document request number 29, because that request seeks discovery regarding the reasoning behind certain

¹ This disposition is not designated for publication in the official reports.

1 contractual policies, not the contracts or agreements themselves. However, Judge Seeborg's
2 clarifying order states that discovery of such related documentation can be addressed in a future
3 meet and confer between the parties, and that any further disputes related to document request
4 number 29 can be resolved by noticed motion. Under these circumstances, it cannot be said that
5 Judge Seeborg's order is "clearly erroneous or contrary to law." *See* Fed. R. Civ. P. 72(a); *see*
6 *also* 28 U.S.C. § 636(b)(1)(A). Accordingly, Plaintiffs' objection is overruled.

7 IT IS SO ORDERED.

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10 DATED: September 19, 2008

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12 JEREMY FOEBEL
13 United States District Judge
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