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8

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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 IN RE EBAY SELLER ANTITRUST  
LITIGATION

Case No. C 07-01882 (JF)(RS)

15 **STIPULATION AND ~~PROPOSED~~**  
16 **ORDER MODIFYING BRIEFING**  
17 **SCHEDULE FOR EBAY'S MOTION TO**  
18 **COMPEL RESPONSES TO EBAY'S**  
19 **FIRST SETS OF INTERROGATORIES**  
20 **TO PLAINTIFF MICHAEL MALONE**

ACTION FILED: April 4, 2007  
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1 WHEREAS, the parties have met and conferred pursuant to the Court's Standing  
2 Order regarding the hearing date for eBay's Motion to Compel Responses to eBay's First  
3 Set of Interrogatories to Plaintiff Michael Malone ("Motion");

4 WHEREAS, the parties have identified December 10, 2008 as a mutually  
5 convenient date for a hearing on the Motion;

6 WHEREAS, the parties have agreed to set the date of Plaintiffs' opposition to the  
7 Motion as November 14, 2008;

8 WHEREAS, the parties have agreed to set the date of eBay's reply in support of the  
9 Motion as November 21, 2008.

10 WHEREAS, the dates the parties have agreed to for this modified briefing schedule  
11 are within the parameters set by Civil Local Rule 7-3;

12 IT IS HEREBY STIPULATED, AGREED, AND ORDERED AS FOLLOWS:

- 13 1. The hearing on the Motion will occur on December 10, 2008 at 9:30 a.m., or  
14 as soon thereafter as it may be heard by the Court.
- 15 2. Plaintiffs shall file their brief in opposition to the Motion by November 14,  
16 2008.
- 17 3. eBay shall file any reply in support of the Motion by November 21, 2008.

19 Dated: October 21, 2008

MICHAEL F. TUBACH  
THOMAS P. BROWN  
JULIE D. WOOD  
KATHERINE M. ROBISON  
O'MELVENY & MYERS LLP

23 By: /s/ Katherine M. Robison  
24 Katherine M. Robison

25 *Attorneys for Defendant*  
26 eBay Inc.

1 Dated: October 21, 2008

MICHAEL MCSHANE  
AUDET & PARTNERS LLP

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3

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By: /s/Michael McShane  
Michael McShane

5 Dated: October 21, 2008

STEVE W. BERMAN  
GEORGE W. SAMPSON  
JEFFREY D. FRIEDMAN  
HAGENS BERMAN SOBOL SHAPIRO  
LLP

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9

By: /s/ Jeffrey D. Friedman  
Jeffrey D. Friedman

10

11 Dated: October 21, 2008

DANIEL HUME  
DAVID KOVEL  
KIRBY MCINERNEY & SQUIRE, LLP

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By: /s/David Kovel  
David Kovel

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*Attorneys for Plaintiffs and Proposed Class*

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**ORDER**

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IT IS SO ORDERED.

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Dated: October 21, 2008



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The Honorable Richard Seeborg  
United States Magistrate Judge

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I, Katherine M. Robison, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest that Michael McShane, Jeffrey D. Friedman, and David Kovel have concurred in this filing.

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