

1 The parties have jointly agreed to reschedule the hearing on (1) eBay's motion for leave to
2 serve additional interrogatories on plaintiff Michael Malone and (2) plaintiffs' motion for a
3 discovery management plan. The parties request that the hearing, originally scheduled for March
4 6, be rescheduled until March 18 at 9:30 a.m. so that the parties can meet and confer further and try
5 and resolve the disputes.

6 Dated: March 5, 2009

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

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9
10 By: /s/ Julie D. Wood
Julie D. Wood

11 *Attorneys for Defendant*
eBay Inc.

12 Dated: March 5, 2009

MICHAEL McSHANE
AUDET & PARTNERS LLP

13
14
15 By: /s/ Michael McShane
Michael McShane

16 *Attorneys for Plaintiffs*

17 Dated: March 5, 2009

18 STEVE W. BERMAN
HAGENS BERMAN SOBOL
SHAPIRRO, LLP

19
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21 By: /s/ Steve W. Berman
Steve W. Berman

22 *Attorneys for Plaintiffs*

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Dated: March 5, 2009

DANIEL HUME
KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Daniel Hume
Daniel Hume

Attorneys for Plaintiffs

I, Julie D. Wood, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order to Reschedule Hearing Date. In compliance with General Order 45, X.B., I hereby attest that Michael McShane, Steve W. Berman and Daniel Hume have concurred in this filing.

SO ORDERED:

Dated: 3/5/09


MAGISTRATE JUDGE RICHARD SEEBORG
U.S. District Court Magistrate Judge
Northern District of California

1 CERTIFICATE OF SERVICE

2 I hereby certify that on March 5, 2009, I electronically filed the STIPULATION AND
3 [PROPOSED] ORDER TO RESCHEDULE HEARING DATE with the Clerk of the Court using
4 the CM/ECF system which will send notification of such filing to the e-mail addresses registered,
5 as denoted on the attached Electronic Mail Notice List.

6 I hereby certify that I have mailed the foregoing document on paper via the United States
7 Postal Service to the following:

8 Joseph P. Garland
9 LIFSHULTZ & LIFSHULTZ P.C.
10 Joseph P. Garland
11 501 Fifth Avenue, Suite 506
12 New York, New York 10017
13 (212) 949-8484
14 Attorney for Plaintiff Michael Malone.

13 /s/ Isabel Haas
14 Isabel Haas