

1 Michael Malott  
3376 Preakness Court  
2 Marietta, GA 30062  
Telephone (617) 543-3522  
3 Appearing *Pro Se*.

4 [Additional counsel on signature page]  
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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 IN RE EBAY SELLER ANTITRUST )  
LITIGATION )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )

No. 5:07-CV-01882-JF (RS)

**STIPULATION AND [PROPOSED]  
ORDER OF VOLUNTARY  
DISMISSAL WITH PREJUDICE OF  
PLAINTIFF MICHAEL MALOTT**

JUDGE: Hon. Jeremy Fogel

ACTION FILED: April 4, 2007

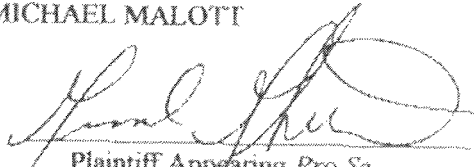
1 The parties herein, by and through their respective counsel of record, hereby stipulate and  
2 agree as follows:

3 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Michael Malott voluntarily dismisses  
4 himself and his claims against eBay Inc. with prejudice in the consolidated action entitled *In re*  
5 *eBay Seller Antitrust Litigation*, 5:07-cv-01882-JF(RS), and any related actions filed against eBay  
6 Inc., including the action entitled *Reverend Michael Malott v. Ebay Incorporated*, C 07-0594  
7 (PVT). All parties are to bear their own costs and fees.

8 **SO STIPULATED**

9 Dated: April 15, 2009

MICHAEL MALOTT

  
Plaintiff Appearing Pro Se

10  
11  
12 Dated: April 17, 2009

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

13  
14  
15  
16  
17 By: /s/ Katherine M. Robison  
Katherine M. Robison

18 *Attorneys for Defendant*  
19 eBay Inc

20 Dated: April 17, 2009

MICHAEL McSHANE  
AARON H. DARSKY  
AUDET & PARTNERS LLP

21  
22  
23 By: /s/ Aaron H. Darsky  
Michael McShane

24 *Attorneys for Plaintiffs*  
25  
26  
27  
28

1 Dated: April 17, 2009

JEFF D. FRIEDMAN  
SHANA E. SCARLETT  
STEVE W. BERMAN  
GEORGE W. SAMPSON  
HAGENS BERMAN SOBOL  
SHAPIRO, LLP

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5 By: /s/ Jeff D. Friedman  
Jeff D. Friedman

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7 *Attorneys for Plaintiffs*

8 Dated: April 17, 2009

DANIEL HUME  
BEVERLY TSE  
DAVID E. KOVEL  
KIRBY McINERNEY, LLP

9  
10  
11 By: /s/ Daniel Hume  
Daniel Hume

12  
13 *Attorneys for Plaintiffs*

14  
15  
16 I, Katherine M. Robison, am the ECF User whose ID and password are being used to file  
17 this Stipulation and [Proposed] Order of Dismissal With Prejudice of Plaintiff Michael Malott. In  
18 compliance with General Order 45, X.B., I hereby attest that Aaron H. Darsky, Jeff D. Friedman,  
19 Daniel Hume, Rosemary M. Rivas, Joseph V. McBride, Jeffrey Squire, and Joseph P. Garland have  
20 concurred in this filing.

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25 IT IS SO ORDERED.

26 Dated: 8/12/09

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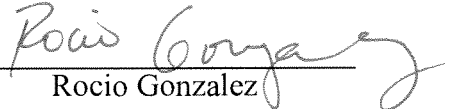
Hon. Jeremy Fogel  
United States District Judge

1 CERTIFICATE OF SERVICE

2 I hereby certify that on August 4, 2009, I electronically filed the STIPULATION AND  
3 [PROPOSED] ORDER OF VOLUNTARY DISMISSAL WITH PREJUDICE OF PLAINTIFF  
4 MICHAEL MALOTT with the Clerk of the Court using the CM/ECF system which will send  
5 notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic  
6 Mail Notice List.

7 I hereby certify that I have sent via FedEx the foregoing document on paper to the  
8 following:

9 Michael Malott  
10 3376 Preakness Court  
11 Marietta, GA 30062  
12 Plaintiff Appearing *Pro Se*

13   
14 Rocio Gonzalez

15 SF1:762817.1