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**\*E-FILED - 3/17/10\***

14 Attorneys for Plaintiff

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA; SAN JOSE DIVISION**

17 MICHAEL EWERT, on Behalf of Himself  
 18 and for the Benefit of All with Common or  
 19 General Interest, Any Persons Injured, and  
 All Others Similarly Situated,

20 Plaintiff,

21 vs.

22 EBAY, INC., DOES 1 to 100, inclusive.

23 Defendants.

**Case No. 07-CV-2189-RMW (PVT)**

STIPULATION AND  ORDER  
CONTINUING HEARING DATES ON  
MOTIONS

New Date: April 23, 2010  
 Time: 9:00 a.m.  
 Judge: Hon. Ronald M. Whyte  
 Trial Date: Not yet set

23 THE MISSING LINK, INC., d/b/a BATH  
 24 PLUS, Inc., individually and on behalf of all  
 others similarly situated,

25 Plaintiff,

26 vs.

27 EBAY, INC.,

28 Defendants.

**Case No. 07-CV- 04487-RMW**

STIPULATION AND  ORDER  
CONTINUING HEARING DATES ON  
MOTIONS

New Date: April 23, 2010  
 Time: 9:00 a.m.  
 Judge: Hon. Ronald M. Whyte  
 Trial Date: Not yet set

STIPULATION AND  ORDER CONTINUING HEARINGS ON MOTIONS

1 The hearings on the following motions in the above-captioned actions are currently scheduled  
2 for March 19, 2010:

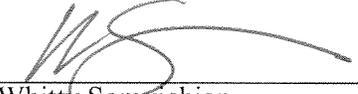
- 3 1. Plaintiff Michael Ewert's Motion for Class Certification
- 4 2. Plaintiff Missing Link, Inc., d/b/a Bath Plus, Inc.'s Motion for Class Certification
- 5 3. Plaintiff Michael Ewert's Motion to strike the Affidavit of eBay's Expert Witness  
6 Stephen D. Prowse, Ph.D., CFA
- 7 4. Plaintiff Missing Link, Inc., d/b/a Bath Plus, Inc.'s Motion to strike the Affidavit of  
8 eBay's Expert Witness Stephen D. Prowse, Ph.D., CFA

9 The parties hereby stipulate and agree that the hearings of the said motions currently  
10 scheduled for March 19, 2010 shall be continued until April 23, 2010, at 9:00 a.m. or another date  
11 convenient for the Court.

12 SO STIPULATED.

13 Dated: 3-8-10

COOLEY GODWARD KRONISH LLP

14 By:   
15 Whitty Somvichian  
16 e-mail: wsomvichian@cooley.com  
Attorneys for Defendant EBAY, INC.

17 Dated: \_\_\_\_\_

BAILEY & GALYEN

18 By: \_\_\_\_\_  
19 John R. Fabry  
20 e-mail: jfabry@galyen.com  
Attorneys for Plaintiffs MICHAEL EWERT

21 Dated: \_\_\_\_\_

CHOROWSKY LAW OFFICES

22 By: \_\_\_\_\_  
23 llan Chorowsky  
24 e-mail: ichorowsky@gmail.com  
25 Attorneys for Plaintiffs  
THE MISSING LINK, INC., d/b/a BATH PLUS, Inc.

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: \_\_\_\_\_

28 Judge Ronald M. Whyte  
United States District Judge

1 The hearings on the following motions in the above-captioned actions are currently scheduled  
2 for March 19, 2010:

- 3 1. Plaintiff Michael Ewert's Motion for Class Certification
- 4 2. Plaintiff Missing Link, Inc., d/b/a Bath Plus, Inc.'s Motion for Class Certification
- 5 3. Plaintiff Michael Ewert's Motion to strike the Affidavit of eBay's Expert Witness  
6 Stephen D. Prowse, Ph.D., CFA
- 7 4. Plaintiff Missing Link, Inc., d/b/a Bath Plus, Inc.'s Motion to strike the Affidavit of  
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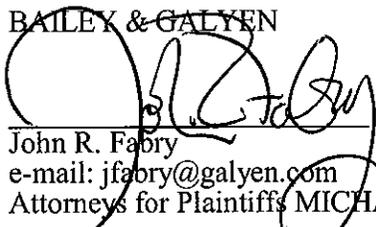
COOLEY GODWARD KRONISH LLP

14 By: \_\_\_\_\_

15 Whitty Somvichian  
16 e-mail: wsomvichian@cooley.com  
Attorneys for Defendant EBAY, INC.

17 Dated: 3/19/2010

BAILEY & GALYEN

18 By: \_\_\_\_\_  
19 

20 John R. Fabry  
e-mail: jfabry@galyen.com  
Attorneys for Plaintiffs MICHAEL EWERT

21 Dated: \_\_\_\_\_

CHOROWSKY LAW OFFICES

22 By: \_\_\_\_\_

23 Ilan Chorowsky  
24 e-mail: ichorowsky@gmail.com  
Attorneys for Plaintiffs  
25 THE MISSING LINK, INC., d/b/a BATH PLUS, Inc.

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: \_\_\_\_\_

28 \_\_\_\_\_  
Judge Ronald M. Whyte  
United States District Judge

STIPULATION AND ===== ] ORDER CONTINUING HEARINGS ON MOTIONS

1 The hearings on the following motions in the above-captioned actions are currently scheduled  
2 for March 19, 2010:

- 3 1. Plaintiff Michael Ewert's Motion for Class Certification
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- 5 3. Plaintiff Michael Ewert's Motion to strike the Affidavit of eBay's Expert Witness  
6 Stephen D. Prowse, Ph.D., CFA
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12 SO STIPULATED.

13 Dated: \_\_\_\_\_ COOLEY GODWARD KRONISH LLP

14  
15 By: \_\_\_\_\_  
16 Whitty Somvichian  
17 e-mail: wsomvichian@cooley.com  
18 Attorneys for Defendant EBAY, INC.

19 Dated: \_\_\_\_\_ BAILEY & GALYEN

20 By: \_\_\_\_\_  
21 John R. Fabry  
22 e-mail: jfabry@galyen.com  
23 Attorneys for Plaintiffs MICHAEL EWERT

24 Dated: 3/8/10 \_\_\_\_\_ CHOROWSKY LAW OFFICES

25 By:  \_\_\_\_\_  
26 Ilan Chorowsky  
27 e-mail: ichorowsky@gmail.com  
28 Attorneys for Plaintiffs  
THE MISSING LINK, INC., d/b/a BATH PLUS, Inc.

29 PURSUANT TO STIPULATION, IT IS SO ORDERED.

30 Dated: 3/17/10 \_\_\_\_\_

  
\_\_\_\_\_  
31 Judge Ronald M. Whyte  
32 United States District Judge

1 **UNITED STATE DISTRICT COURT; NORTHERN DISTRICT OF CALIFORNIA**  
2 **Case Name: Ewert v. eBay, Inc.**  
3 **Case Number: 07-CV-2198 RMW**

4 **CERTIFICATE OF SERVICE**

5 I am a citizen of the United States and a resident of the State of California. I am employed  
6 in San Francisco County, State of California, in the office of a member of the bar of this Court, at  
7 whose direction the service was made. I am over the age of eighteen years, and not a party to the  
8 within action. My business address is 44 Montgomery Street, Suite 1750, San Francisco, California  
9 94104.

10 I hereby certify that on March 9, 2010, I electronically filed this STIPULATION AND  
11 [PROPOSED] ORDER CONTINUING HEARING DATES ON MOTIONS with the Clerk of Court  
12 using the CM/ECF system, which will send notification of such filing to the following attorneys of  
13 record at the following listed email addresses.

11 Whitty Somvichian 12 Sarah Boot 13 Heather Coe Meservy 14 Joseph Samuel Leventhal 15 Lori Renee Ellis Ploeger 16 Michael Graham Rhodes 17 COOLEY GODWARD KRONISH LLP 18 101 California, 5th Floor, 19 San Francisco, CA 94111-5800 20 Attorneys for Defendant eBay, Inc.	wsomvichian@cooley.com sboot@cooley.com swarren@cooley.com hmeservy@cooley.com kjones@cooley.com leventhaljs@cooley.com bambrose@cooley.com lploeger@cooley.com elliottds@cooley.com rhodesmg@cooley.com lopezre@cooley.com moyespe@cooley.com sboot@cooley.com llange@cooley.com
18 John R. Fabry 19 Bailey & Galyen 20 18333 Egret Bay Blvd., Suite 120 Houston, TX 77058	jfabry@galyen.com mreese@galyen.com
21 Patricia Carlson 22 Carlson Law Office 23 3242 Monarch San Antonio, TX 78259 Telephone 210.289.4252	pcartex@sbcglobal.net

24 I declare under penalty of perjury under the laws of the State of California that all of the  
25 foregoing statements are true and correct and if called upon would testify competently thereto.

26 On March 9, 2010, at San Francisco, California

27   
28 K. Shirley Kim

STIPULATION AND ORDER CONTINUING HEARINGS ON MOTIONS