

United States District Court
For the Northern District of California

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E-FILED on 11/5/10

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

MICHAEL EWERT, individually and on
behalf of others similarly situated,

Plaintiff,

v.

EBAY, INC.,

Defendant.

No. C-07-02198 RMW

ORDER CONSOLIDATING ACTIONS

[Re Docket No. 129]

THE MISSING LINK, INC., d/b/a BATH
PLUS INC. and JEFFREY MARKS,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

EBAY, INC.,

Defendant.

No. C-07-04487 RMW

[Re Docket No. 152]

On September 30, 2010, the court granted class certification in both *Ewert v. eBay, Inc.*, C-07-2198 ("Ewert Case") and *The Missing Link, Inc. v. eBay, Inc.*, C-07-04487 ("Missing Link Case"). In its September 30, 2010 order, the court ordered the parties to show cause as to why the

1 Ewert Case and the Missing Link Case should not be consolidated. Plaintiffs have filed an
2 unopposed motion to consolidate the two cases. The court grants the motion and consolidates the
3 Ewert Case and the Missing Link Case for all purposes, pursuant to Federal Rule of Civil Procedure
4 42(a). The consolidated case shall be entitled "In re eBay Litigation" and shall bear the case number
5 of the earlier filed case: C 07-2198 RMW. After filing this order in each case, the Clerk of the Court
6 is ordered to close the file on Case No. C 07-4487 RMW. All future filings shall be in the
7 consolidated case file.

8 At the hearing on November 5, 2010, the parties were instructed to refine their proposal with
9 respect to the appointment of lead counsel. This proposal shall be submitted no later than November
10 15, 2010.

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13 DATED: 11/5/10



RONALD M. WHYTE
United States District Judge