

United States District Court  
For the Northern District of California

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**E-FILED on 9/2/2011**

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

IN RE: EBAY LITIGATION

No. C-07-02198 RMW

ORDER DENYING MOTION FOR CLASS  
DECERTIFICATION  
**[Re Docket No. 141]**

Defendant eBay Inc. moves to decertify the class certified by this court on September 30, 2010, because it contends that continuing certification is inconsistent with the Rule 23 standards recently articulated by the Supreme Court in *Wal-Mart Stores, Inc., v. Dukes*, No. 10-277 (June 20, 2011), 2011 WL 2437013. For the reasons discussed at the hearing held on September 2, 2011, the court denies the motion.

As discussed at the hearing, the parties are ordered to submit a proposed schedule for filing and hearing a motion for summary judgment on plaintiffs' damages theory by September 30, 2011. The parties are to agree on the discovery, if any, that is needed for the motion. If the parties cannot agree, the parties are each to submit a proposal and the court will resolve any differences. A further case management conference will be held on September 30, 2011.

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DATED: 9/2/2011

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge