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 9 Attorneys for Plaintiffs and the Class

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 **IN RE: EBAY LITIGATION**

Case No. C 07-2198 RMW (PSG)

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 15 **STIPULATION TO CONTINUE CASE**
MANAGEMENT CONFERENCE;
 16 **[] ORDER**

17 Date: September 30, 2011
 18 Time: 10:30 a.m.
 Courtroom: 6, 4th Floor
 19 Judge: Hon. Ronald M. Whyte

1 On September 2, 2011, the parties appeared before the Court in connection with
2 Defendant's Motion For Class Decertification. During the hearing, the Court addressed the issue
3 of Plaintiffs' damages theory. The Court ordered the parties to meet and confer regarding a
4 proposed schedule for filing and hearing a motion for summary judgment on Plaintiffs' damages
5 theory. The Court ordered that the parties submit, by September 30, 2011, either: (1) a joint
6 proposed schedule, including a discovery plan; or (2) if unable to agree on a joint proposal,
7 separate proposals. The Court also set a Further Case Management Conference for September 30,
8 2011.

9 Plaintiffs' Counsel has met and conferred with Defendant's Counsel regarding a
10 continuance. Defendant does not oppose a continuance. The parties are mutually available on
11 October 28 and November 11, 2011 for a Further Case Management Conference.

12 Therefore, Plaintiffs respectfully request that the September 30, 2011 Further Case
13 Management Conference be continued to October 28 or November 11, 2011.

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15 Respectfully submitted,
16 September 26, 2011 MARKUN ZUSMAN & COMPTON LLP

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18 By: /s/ Edward S. Zusman
Edward S. Zusman

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20 September 26, 2011 Attorneys for Plaintiffs and the Class
COOLEY LLP

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22 By: /s/ Whitty Somvichian
Whitty Somvichian

23 Attorneys for Defendant eBay, Inc.

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□ ORDER

The parties' proposed stipulation is hereby approved. The Further Case Management Conference scheduled for September 30, 2011 is vacated, and a Further Case Management Conference is set for _____, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2011


Hon. Ronald M. Whyte