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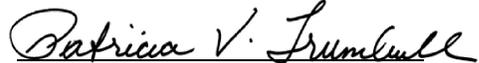
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MICHAEL EWERT, et al.,	)	Case No.: C 07-2198 RMW (PVT)
	)	
Plaintiffs,	)	<b>ORDER DISSOLVING ORDER TO SHOW</b>
	)	<b>CAUSE</b>
v.	)	
	)	
EBAY, INC.,	)	
	)	
Defendant.	)	

On July 14, 2009, Plaintiffs filed a motion to compel the deposition of Defendant eBay, Inc. (“eBay”) under Rule 30(b)(6). On July 15, 2009, this court issued an order to Defendant eBay to show cause why sanctions should not be awarded against it for failing to appear for its properly noticed deposition. Based on the response filed by eBay, Plaintiffs’ reply, and the discussions at the hearing held on August 18, 2009,

IT IS HEREBY ORDERED that the order to show cause is DISSOLVED. While it was improper for eBay to fail to appear for its deposition without first filing a motion for protective order,<sup>1</sup> it has now appeared for deposition, and the Plaintiffs state they are not seeking sanctions.

Dated: 8/20/09

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge

<sup>1</sup> See FED.R.CIV.PRO. 37(d)(2) (providing that a party’s failure to appear for its own deposition “is not excused on the ground that the discovery sought was objectionable, unless the party failing to [appear] has a pending motion for a protective order under Rule 26(c).”