

FREELAND COOPER & FOREMAN LLP

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

EBAY, INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC., SHAWN
HOGAN, KESSLER'S FLYING CIRCUS,
THUNDERWOOD HOLDINGS, INC.,
TODD DUNNING, DUNNING ENTERPRISE, INC.,
BRIAN DUNNING, BRIANDUNNING.COM, and
DOES 1-20,

Defendants.

CASE NO.: CV-08-4052 JF

[PROPOSED] ORDER GRANTING
MOTION OF DEFENDANTS TODD
DUNNING AND DUNNING
ENTERPRISE, INC.'S TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT

The motion of Defendants Todd Dunning and Dunning Enterprise, Inc. to dismiss or transfer Plaintiff eBay, INC.'s Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) or 28 U.S.C. §1404(a) came on for hearing before this Court on June 26, 2009. The parties were represented by their respective counsel of record. Having fully considered the briefs, oral

1 argument of counsel, and all other matters presented to the Court, IT IS HEREBY ORDERED THAT:

2 (1) Defendants Todd Dunning and Dunning Enterprise, Inc.'s motion to dismiss is GRANTED
3 and Plaintiff's Second Amended Complaint is dismissed against them without leave to amend;

4 (2) Defendants Todd Dunning and Dunning Enterprise, Inc.'s motion to transfer this case to the
5 Central District of California pursuant to 28 U.S.C. §1404(a) is GRANTED.

6
7 Dated: _____

8 Honorable Jeremy Fogel
9 United States District Court Judge

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