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

12 EBAY INC.,

13 Plaintiff,

14 v.

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

19 Defendants.

Case No. C 08-04052 JF PVT

**[PROPOSED] ORDER GRANTING
EBAY INC.'S MOTION TO STRIKE
THE ANSWER OF DEFENDANTS
THUNDERWOOD HOLDINGS,
INC., BRIANDUNNING.COM AND
KESSLER'S FLYING CIRCUS**

Hearing Date: October 30, 2009

Time: 9:00 a.m.

Judge: Hon. Jeremy Fogel

1 eBay's Motion to Strike the Answer to eBay's Second Amended Complaint filed
2 by Defendants Thunderwood Holdings, Inc., BrianDunning.com and Kessler's Flying
3 Circus was heard by the Court on October 30, 2009. Upon consideration of the papers
4 submitted and the arguments of counsel, and for good cause shown, the Court hereby
5 GRANTS Plaintiff's Motion and ORDERS those Defendants to file amended answers
6 within 15 days of this Order that omit any objection based on the Fifth Amendment and
7 provide substantive responses to eBay's Second Amended Complaint.

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9 IT IS SO ORDERED.

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12 DATED: _____

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The Honorable Jeremy Fogel
United States District Judge

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