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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
 17 FLYING CIRCUS, THUNDERWOOD
 18 HOLDINGS, INC., TODD DUNNING,
 19 DUNNING ENTERPRISE, INC., BRIAN
 20 DUNNING, BRIANDUNNING.COM,
 21 and DOES 1-20,
 22 Defendants.

Case No. C 08-04052 JF PVT

**[PROPOSED] ORDER GRANTING
 EBAY INC.'S MOTION TO
 COMPEL RESPONSES TO
 REQUESTS FOR PRODUCTION,
 INTERROGATORIES AND
 REQUESTS FOR ADMISSION
 FROM DIGITAL POINT
 SOLUTIONS, INC. AND SHAWN
 HOGAN**

Hearing Date: November 3, 2009
 Time: 10:00 a.m.
 Judge: Hon. Patricia V. Trumbull

1 eBay's Motion to Compel Responses to Requests for Production, Interrogatories
2 and Requests for Admission from Digital Point Solutions, Inc. and Shawn Hogan was
3 heard by the Court on November 3, 2009. Upon consideration of the papers submitted
4 and the arguments of counsel, and for good cause shown, the Court hereby GRANTS
5 Plaintiff's Motion and ORDERS:

- 6 1. that, notwithstanding his continuing invocations of his Fifth Amendment
7 rights, within 15 days of this Order Defendant Shawn Hogan produce all
8 documents responsive to eBay's First and Second Sets of Requests for
9 Production that were previously obtained by the FBI, including but not
10 limited to any such documents that may be within his control at third party
11 NetHere, Inc.;
- 12 2. that Defendant Digital Point Solutions, Inc. conduct a diligent search for and
13 produce all documents responsive to eBay's First and Second Set of
14 Requests for Production within 15 days of this Order, including by
15 exercising any and all rights that it may have to obtain documents from third
16 party NetHere, Inc.; and
- 17 3. that Defendant Digital Point Solutions, Inc.'s objections to eBay's
18 Interrogatories No. 1-2, Requests for Admission No. 1-23 and Requests for
19 Production No. 1-8, 13-14 and 23 on the grounds that the definition of
20 "DPS" is overbroad, unduly burdensome and oppressive are stricken and
21 Digital Point Solutions, Inc. shall provide supplemental responses to those
22 requests, including information regarding "DPS" as defined by eBay, within
23 15 days of this Order.

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IT IS SO ORDERED.

DATED: _____

The Honorable Patricia V. Trumbull
United States Magistrate Judge