

1 DAVID R. EBERHART (S.B. #195474)
 2 deberhart@omm.com
 3 SHARON M. BUNZEL (S.B. #181609)
 4 sbunzel@omm.com
 5 COLLEEN M. KENNEDY (S.B. #227107)
 6 ckennedy@omm.com
 7 O'MELVENY & MYERS LLP
 8 Two Embarcadero Center, 28th Floor
 9 San Francisco, CA 94111
 10 Telephone: (415) 984-8700
 11 Facsimile: (415) 984-8701
 12 Attorneys for Plaintiff eBay Inc.

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 DENYING
 DEFENDANTS' MOTIONS TO
 STAY CIVIL ACTION PENDING
 RESOLUTION OF CRIMINAL
 PROCEEDINGS**

Hearing Date: November 20, 2009
 Time: 9:00 a.m.
 Courtroom: 3
 Judge: Hon. Jeremy Fogel

1 On November 20, 2009, this Court heard argument on the following motions: (1)
2 Defendants Digital Point Solutions, Inc. and Shawn Hogan’s Motion for Stay of
3 Proceedings; (2) Defendants Thunderwood Holdings, Inc., Brian Dunning and
4 BrianDunning.com’s Motion to Stay Civil Action Pending Resolution of Criminal
5 Proceedings; and (3) Defendants Todd Dunning and Dunning Enterprise, Inc.’s Motion to
6 Stay Civil Action Pending Resolution of Criminal Proceedings. Upon consideration of
7 the papers submitted and the arguments of counsel, and for good cause shown, the Court
8 hereby DENIES Defendants’ Motions in their entirety.

9 Discovery, motion practice and all other applicable deadlines shall proceed and be
10 set in accordance with the Federal Rules of Civil Procedure, the Local Rules, the parties’
11 Joint Case Management Statement and any other rules or standing orders applicable to
12 this action, and further orders of this Court.

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14 IT IS SO ORDERED.

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17 DATED: _____

18 Honorable Jeremy Fogel
19 United States District Judge
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