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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
 PLAINTIFF EBAY INC.'S MOTION
 FOR DISCOVERY SANCTIONS
 AGAINST BRIAN DUNNING,
 BRIANDUNNING.COM,
 THUNDERWOOD HOLDINGS,
 INC., AND KESSLER'S FLYING
 CIRCUS**

Hearing Date: April 2, 2010
 Time: 9:00 a.m.
 Courtroom: 3
 Judge: Hon. Jeremy Fogel

1 eBay's Motion for Discovery Sanctions against Brian Dunning,
2 BrianDunning.com, Thunderwood Holdings, Inc. and Kessler's Flying Circus was heard
3 by the Court on April 2, 2010. Upon consideration of the papers submitted and the
4 arguments of counsel, and for good cause shown, the Court hereby GRANTS Plaintiff's
5 Motion and ORDERS:

- 6 1. that Defendants Brian Dunning, BrianDunning.com, Thunderwood Holdings,
7 Inc. and Kessler's Flying Circus are in contempt of this Court's January 12,
8 2010 order;
- 9 2. that Defendants Brian Dunning, BrianDunning.com, Thunderwood Holdings,
10 Inc. and Kessler's Flying Circus shall pay Plaintiff \$39,545.50 in reasonable
11 attorneys' fees; and
- 12 3. that Defendants Brian Dunning, BrianDunning.com, Thunderwood Holdings,
13 Inc. and Kessler's Flying Circus shall comply with the January 12, 2010 order
14 immediately.

15 IT IS SO ORDERED.

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18 DATED:

19 _____
20 The Honorable Jeremy Fogel
21 United States District Judge
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