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7 Attorneys for Defendants Todd Dunning and
 Dunning Enterprise, Inc.

8
 9 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 EBAY, INC.,

12 Plaintiff,

13 v.

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

18 Defendants.

CASE NO.: CV-08-4052 JF PVT

**STIPULATION AND [PROPOSED]
 ORDER: APPROVING
 WITHDRAWAL OF ATTORNEY,
 ALLOWING DEFENDANT TODD
 DUNNING TO APPEAR PRO SE,
 AND PROVIDING TIME FOR
 DEFENDANT DUNNING
 ENTERPRISE, INC. TO OBTAIN
 NEW COUNSEL PURSUANT TO
 LOCAL RULE 11-5**

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 21 Pursuant to Local Rules 3-9(a) and 11-5(a), Defendant Todd Dunning requests this Court to
 22 approve the withdrawal of his counsel: Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of
 23 Freeland Cooper & Foreman, LLP. Defendant Todd Dunning requests this Court to approve that he
 24 appear in this matter *pro se* to represent himself without an attorney. All papers in this case may be
 25 served on defendant Todd Dunning at: 1 Stockbridge, Aliso Viejo, California 92656; Telephone No.:
 26 (949) 448-0889, email address: karinedunning@yahoo.com

27 In addition, Dunning Enterprise, Inc. requests an order from this Court allowing counsel
 28

**STIPULATION AND [PROPOSED] ORDER: APPROVING WITHDRAWAL OF ATTORNEY,
 ALLOWING DEFENDANT TODD DUNNING TO APPEAR PRO SE, AND PROVIDING TIME FOR
 DEFENDANT DUNNING ENTERPRISE, INC. TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL
 RULE 11-5**
 Case No.C084052 JF PVT


FREELAND COOPER & FOREMAN LLP
 150 Spear Street, Suite 1800
 San Francisco, California 94105

1 Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of Freeland Cooper & Foreman, LLP to
2 withdraw as counsel for Dunning Enterprise, Inc. Defendant Dunning Enterprise, Inc. requests 30
3 days for it to obtain new counsel to represent it as required by Local Rule 3-9(b). Any papers to be
4 served on this defendant until this defendant appears by other counsel may be served c/o Todd
5 Dunning at 1 Stockbridge, Aliso Viejo, California 92656.

6 I have given notice to all parties in this matter and consent to this withdrawal and substitution.

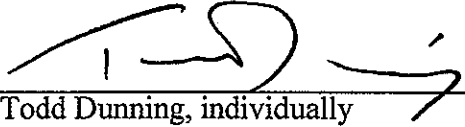
7 Dated: June 22, 2010

FREELAND COOPER & FOREMAN LLP

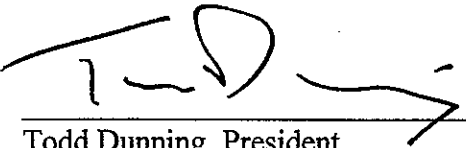
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9 By: 
10 STEWART H. FOREMAN
11 Attorneys for Defendants Todd Dunning and
12 Dunning Enterprise, Inc.

13 I, Todd Dunning, on behalf of myself and as president of defendant Dunning Enterprise, Inc.,
14 consent to this withdrawal of counsel and request permission to appear on my own behalf *pro se*. I
15 shall diligently attempt to find substitute counsel for Dunning Enterprise, Inc., during the next 30
16 days.

17 Dated: June 16, 2010


Todd Dunning, individually

Dunning Enterprise, Inc.

18
19 By: 
20 Todd Dunning, President

21 IT IS SO ORDERED

22 Dated: June 28, 2010


Judge of the United States District Court

1 **CERTIFICATE OF SERVICE**

2 I am employed in the City and County of San Francisco, State of California. I am over
3 the age of eighteen and not a party to the within action; my business address is 150 Spear
Street, Suite 1800, San Francisco, California 94105.

4 On June 25, 2010, I served the foregoing documents described as follows:

5 **STIPULATION AND [PROPOSED] ORDER: APPROVING WITHDRAWAL OF**
6 **ATTORNEY, ALLOWING DEFENDANT TODD DUNNING TO APPEAR PRO**
7 **SE, AND PROVIDING TIME FOR DEFENDANT DUNNING ENTERPRISE, INC.**
8 **TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL RULE 11-5**

9 by placing a true and correct copy thereof enclosed in a sealed envelope addressed to the
party(ies) of record whose name(s) and address(es) appear below:

10 **SEE ATTACHED SERVICE LIST**

11 X [BY MAIL - CCP § 1013a] I caused such sealed envelope with postage thereon fully
prepaid to be placed in the United States mail at San Francisco, California, for collection and
mailing to the office of addressee(s) on the date shown herein following ordinary business
practice.

12 _____ [HAND-DELIVERY/Personal/Messenger - CCP § 1011] I caused such envelope to be
13 hand-delivered by a courier, who personally delivered such envelope to the office of the
addressee(s) on the date herein.

14 _____ [BY FACSIMILE - CCP § 1013(e)] - I caused such document(s) to be transmitted via
15 facsimile electronic equipment transmission on the party(ies), whose name(s), address(es)
16 and fax number(s) are listed above, on the date stated herein and at the time set forth on the
attached transmission reported indicating that the facsimile transmission was complete and
without error.

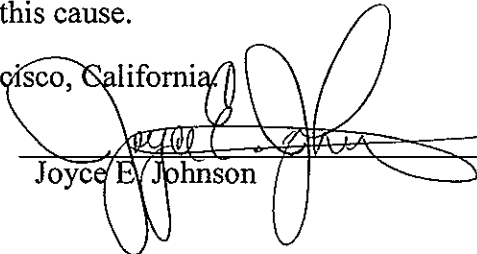
17 _____ [BY FEDEX (Overnight Delivery) - CCP § 1013(c)] I caused such envelope to be
18 delivered to the Federal Express Office in San Francisco, California, with whom we have a
direct billing account, to be delivered on the next business day.

19 X [BY E-MAIL or ELECTRONIC TRANSMISSION] . Based on a court order or agreement of
20 the parties to accept service by e-mail or electronic transmission, I caused the documents to
be sent to the persons at the email addresses listed above. I did not receive within a
21 reasonable time after the transmission, any electronic message or other indication that the
transmission was unsuccessful.

22 _____ [STATE] I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

23 X [FEDERAL] Service was made under the direction of a member of the bar of this Court who
24 is admitted to practice and is not a party to this cause.

25 Executed on June 25, 2010, at San Francisco, California.

26 
Joyce E. Johnson

FRANKLAND COOPER & FURKEMAN LLP
150 Spear Street, Suite 1800
San Francisco, California 94105

FREELAND COOPER & FOREMAN LLP
150 Spear Street, Suite 1800
San Francisco, California 94105

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ATTACHED SERVICE LIST

Leo Presiado
RUS, MILIBAND & SMITH
Von Karman Towers
2211 Michelson Drive, 7th Floor
Irvine, CA 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
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and Thunderwood Holdings, Inc.
(by electronic transmission)

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(by electronic transmission)

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Irvine, CA 92612
Attorney for Kessler's Flying Circus
(by electronic transmission)

Todd Dunning
1 Stockbridge
Aliso Viejo, CA 92656
(by mail)