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8 BRIAN DUNNING, and BRIANDUNNING.COM

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

11  
12 EBAY INC.,

13 Plaintiff,

14 vs.

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

18 Defendants.  
19

CASE NO. CV 08-4052 JF PVT

**NOTICE OF WITHDRAWAL OF  
MOTION TO STAY CIVIL ACTION  
PENDING RESOLUTION OF CRIMINAL  
PROCEEDINGS**

JUDGE: Hon. Jeremy Fogel  
DATE: October 1, 2010  
TIME: 9:00 a.m.  
CRTRM.: 3

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TO THE HONORABLE JEREMY FOGEL, UNITED STATES DISTRICT COURT JUDGE,  
AND ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT Defendants Thunderwood Holdings, Inc.,  
Brian Dunning, BrianDunning.com, and Kessler's Flying Circus (collectively, "Defendants")  
respectfully withdraw, without prejudice, the Motion to Stay Civil Action Pending Resolution of  
Criminal Proceeding ("Motion") set for hearing on October 1, 2010 at 9:00 a.m. in Courtroom 3 of  
the above-entitled Court.

The Motion is withdrawn in accordance with the Stipulation, Motion for  
Administrative Relief, and Order Staying Civil Action entered by the Court on July 30, 2010.

DATED: August 4, 2010

RUS, MILIBAND & SMITH  
A Professional Corporation

By:   
LEO J. PRESIADO  
Attorneys for Defendants  
THUNDERWOOD HOLDINGS, INC.,  
BRIAN DUNNING, and  
BRIANDUNNING.COM

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is Von Karman Towers, Seventh Floor, 2211 Michelson Drive, Irvine, California 92612.

On August 4, 2010, I served true copies of the following document(s) described as **NOTICE OF WITHDRAWAL OF MOTION TO STAY CIVIL ACTION PENDING RESOLUTION OF CRIMINAL PROCEEDINGS** on the interested parties in this action as follows:

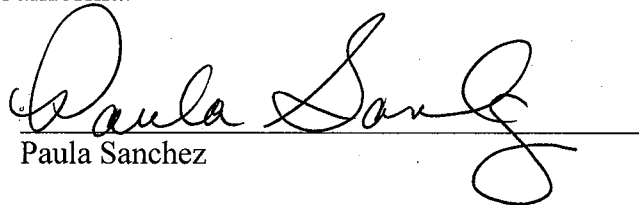
**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Rus, Miliband & Smith's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 4, 2010, at Irvine, California.

  
Paula Sanchez

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**SERVICE LIST**  
**eBay Inc. v. Digital Point Solutions, Inc., et al.**  
**CV 08-4052 JF PVTUSDC-Northern Case No. 08-CV-4052**

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