

1 RONALD RUS, #67369
rrus@rusmiliband.com
2 LEO J. PRESIADO, #166721
lpresiado@rusmiliband.com
3 RUS, MILIBAND & SMITH
A Professional Corporation
4 Seventh Floor
2211 Michelson Drive
5 Irvine, California 92612
Telephone: (949) 752-7100
6 Facsimile: (949) 252-1514

E-Filed 3/18/09

7 Attorneys for Defendants
8 THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 EBAY INC.,

14 Plaintiff,

15 vs.

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

20 Defendants.
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CASE NO. CV 08-4052 JF (PVT)

**STIPULATION TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE; ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

22 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT
23 COURT:

24 The parties to this action, by and through their attorneys of record, hereby agree
25 and stipulate based on the following recitals:

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RECITALS

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. The Initial Case Management Conference is currently set for March 23, 2009 at 10:30 a.m.

C. All Defendants to the action filed Motions to Dismiss the Complaint. Defendants' Motions were heard on December 12, 2008.

D. Defendants' Motions to Dismiss were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff has until March 26, 2009 to file an amended complaint.

E. Plaintiff intends to file an amended complaint on or before March 26, 2009. It is anticipated that one or more of the Defendants will challenge the amended complaint.

F. The parties agree that the Initial Case Management Conference will be more productive if it is continued to enable resolution of the pleadings.

WHEREFORE, the Parties agree as follows:

1. The Initial Case Management Conference presently set for March 23, 2008 at 10:30 a.m. is continued to May 15, 2009 at 10:30 a.m.

2. The Stipulation may be executed in one or more counterparts.

DATED: March 17, 2009

O'MELVENY & MYERS

By: 

David R. Eberhart
Sharon Bunzel
Attorneys for Plaintiff eBay, Inc.

DATED: March 17, 2009

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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STIPULATION TO CONTINUE
INITIAL CASE MANAGEMENT CONFERENCE
- CASE NO. CV 08-4052 JF (PVT)

1 DATED: March 17, 2009.

FREELAND, COOPER & FOREMAN, LLP

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By: 
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and
Dunning Enterprises, Inc.

DATED: March __, 2009

COAST LAW GROUP. LLP

By: _____
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and
Shawn Hogan

DATED: March __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: _____
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: March __, 2009.

FREELAND, COOPER & FOREMAN, LLP

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By: _____
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and
Dunning Enterprises, Inc.

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7 DATED: March 17, 2009

COAST LAW GROUP. LLP

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By: _____
~~Sevanack Kouretchian~~
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and
Shawn Hogan

10

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13 DATED: March __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

14

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By: _____
Patrick K. McClellan
Attorney for Kessler's Flying Circus

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18 IT IS SO ORDERED.

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HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

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1 DATED: March __, 2009.

FREELAND, COOPER & FOREMAN, LLP

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By: _____
Stewart H. Foreman
Attorneys for Defendants Todd Dunning and
Dunning Enterprises, Inc.

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7 DATED: March __, 2009

COAST LAW GROUP, LLP

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By: _____
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc. and
Shawn Hogan

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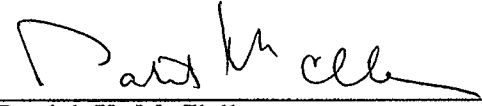
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13 DATED: March 7, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

14

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By:  _____
Patrick K. McClellan
Attorney for Kessler's Flying Circus

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18 IT IS SO ORDERED.

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20 3/18/09



HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE;

ORDER THEREON was filed with the Court's Electronic Filing System on March 17, 2009

and may be accessed electronically.

s/ Leo J. Presiado
Leo J. Presiado
Rus, Miliband & Smith, APC
2211 Michelson Drive, Seventh Floor
Irvine, California 92612
Tel: (949) 752-7100
Fax: (949) 252-1514
Email: lpresiado@rusmiliband.com
Attorneys for Defendants Thunderwood Holdings,
Inc., Brian Dunning and Briandunning.com