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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

15 EBAY INC.,)	CASE NO. CV 08-4052 JF (PVT)
)	
16 Plaintiff,)	OPPOSITION TO PLAINTIFF'S
)	MOTION FOR LEAVE TO EXCEED
17 vs.)	PAGE LIMIT FOR CONSOLIDATED
)	OPPOSITION
18 DIGITAL POINT SOLUTIONS, INC.;)	
19 SHAWN HOGAN; KESSLER's FLYING)	
20 CIRCUS; THUNDERWOOD HOLDINGS,)	
INC.; TODD DUNNING; DUNNING)	
21 ENTERPRISES, INC.; BRIAN DUNNING;)	
BRIANDUNNING.COM; and DOES 1-20,)	
)	
22 Defendants.)	

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 24
 25 Defendants Kessler's Flying Circus, Thunderwood Holdings, Inc., Brian
 26 Dunning and BrianDunning.com (collectively, "KFC Defendants") oppose Plaintiff's request
 27 that it be given leave to exceed the page limit in opposing the Motions to Dismiss the Second
 28 Amended Complaint filed by the various defendants named in this action.

1 Contrary to Plaintiff's unsupported contention, the party defendants did not
2 "rely on each other to cover all the arguments they wished to advance." The various party
3 defendants constitute distinct groups and have made differing arguments supporting the
4 dismissal of the Second Amended Complaint. However, to the extent Plaintiff believes that all
5 motions advance "the same five arguments," then Plaintiff should not need more than 25 pages
6 to address the purportedly repeat arguments. Indeed, each defendant group was able advance
7 their respective arguments while staying within the page limit.

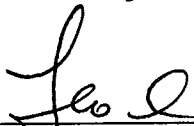
8 Allowing Plaintiff leave to file a 35 page consolidated opposition will prejudice
9 the KFC Defendants. Due to the short briefing schedule at hand, the KFC Defendants will
10 have a very short period of time to reply to 35 pages of briefing. On the other hand, Plaintiff
11 is not prejudiced if it files a separate opposition to each motion. Indeed, Plaintiff's motion is
12 devoid of any evidence establishing cause or prejudice requiring extended briefing.

13 As such, the KFC Defendants respectfully request that Plaintiff's request for
14 leave to exceed the opposition brief page limit be denied.

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16 DATED: June 1, 2009

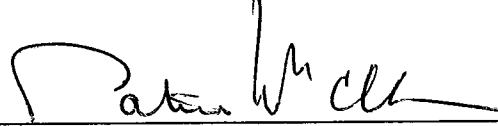
Respectfully submitted,

17 RUS, MILIBAND & SMITH
18 A Professional Corporation

19 By: 
20 LEO J. RRESIADO
21 Attorneys for Defendants
22 THUNDERWOOD HOLDINGS, INC.,
23 BRIAN DUNNING and
24 BRIANDUNNING.COM

25
26 DATED: June 1, 2009

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