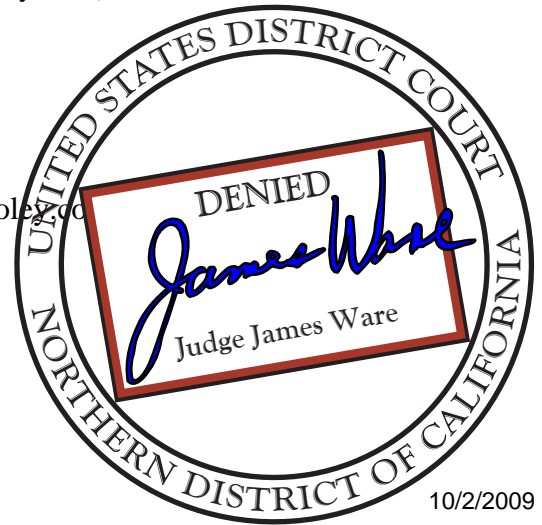


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9 Attorneys for Defendant eBay Inc.



11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 BRICE YINGLING D/B/A ALAMO
 AUTOSPORTS AND ANDY SCOTT,

16 Plaintiffs,

17 v.

18 EBAY INC.,

19 Defendant.

Case No. C 09 01733 JW (PVT)

**STIPULATION AND REQUEST TO
 CONTINUE HEARING ON DEFENDANT
 EBAY INC.' S MOTION TO DISMISS**

1 Plaintiffs and Defendant file this stipulation and request to continue and reschedule the
2 hearing on Defendant's motion to dismiss, currently set for hearing on October 5, 2009, to
3 November 16, 2009, and state:

4 Counsel for Defendant has conferred with counsel for Plaintiffs about this stipulation and
5 they jointly request that the Court continue the hearing on Defendant's motion to dismiss. In
6 particular, lead counsel for Defendant, Michael G. Rhodes, has a conflict with the October 5,
7 2009 hearing date on the motion to dismiss. Plaintiffs do not object to the requested relief.

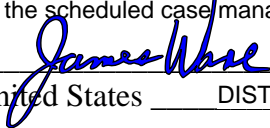
8 Accordingly, Plaintiffs and Defendant stipulate to and request the following: a
9 continuance and rescheduling of the hearing on Defendant's motion to dismiss [Docket #23] from
10 October 5, 2009 to November 16, 2009.

11
12 **AGREED:**

13
14 By: /s/ Keith Verges
15 Counsel for Plaintiffs
16 Brice Yingling
17 Andy Scott

By: /s/ Benjamin F. Chapman
Counsel for Defendant
eBay Inc.

18 **THE FOREGOING STIPULATION IS DENIED AND IS SO ORDERED.**
19 The parties shall appear for the scheduled hearing on the Motion to Dismiss. The Court has allotted ten (10) minutes
20 per side for argument. The Court has issued a further Order as to the scheduled case management. Please see
21 docket item no. 42 for specifics on further scheduled hearings.
22 Dated: October 2, 2009


United States _____ DISTRICT _____ Judge

23 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
24 *Benjamin F. Chapman hereby attests that concurrence in the filing of this document has been*
25 *obtained.*