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5 Attorneys for Defendant eBay Inc.

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

11 UNIVERSAL GRADING SERVICE, JOHN
 12 CALLANDRELLO, JOSEPH KOMITO and
 13 VADIM KIRICHENKO, individually and on
 behalf of others similarly situated,

14 Plaintiffs,

15 v.

16 eBAY INC., a foreign corporation,
 17 AMERICAN NUMISMATIC
 ASSOCIATION, a foreign non-profit
 association, and PROFESSIONAL
 18 NUMISMATISTS GUILD, INC., a foreign
 corporation, BARRY STUPLER &
 19 COMPANY, LLC.,

20 Defendants.

Case No. CV 09-02755 RMW

**STIPULATION AND [] ORDER
 RE: CASE MANAGEMENT CONFERENCE
 AND PLAINTIFFS' MOTION TO FILE A
 THIRD AMENDED COMPLAINT**

Judge: Hon. Ronald M. Whyte
 Date: November 6, 2009
 Time: 10:30 a.m.
 Courtroom: 6
 Trial Date: Not yet set

22 **WHEREAS**, the Court held a Case Management Conference on November 6, 2009;

23 **WHEREAS**, at the Case Management Conference, the Court ordered the following:

- 24 (1) each party was to submit a letter directing the Court to the specific pleadings the Court should
 25 review in connection with the Defendants' respective motions to dismiss; (2) Defendants, via
 26 their respective letters, were allowed to supplement their respective motions to dismiss with
 27 respect to the law of the Ninth Circuit; (3) Defendants' letters were due December 4, 2009;

1 (4) Plaintiffs' response letter(s) were due December 18, 2009; (5) the Court would hear
2 Defendants' respective motions to dismiss on January 15, 2009 at 9:00 a.m.; (6) discovery was
3 stayed pending the Court's ruling on Defendants' respective motions to dismiss; and (7) a further
4 Case Management Conference was set for January 15, 2009 at 10:30 a.m.;

5 **WHEREAS**, Plaintiffs subsequently requested that the Defendants stipulate to allow
6 Plaintiffs to file a Third Amended Complaint amending their complaint to the format and rules of
7 this Court and adding any further facts in support of their claims;

8 **WHEREAS**, Defendants eBay Inc. and Professional Numismatists Guild, Inc. did not
9 oppose Plaintiffs' request to file a Third Amended Complaint and were willing to stipulate to the
10 same;

11 **WHEREAS**, Defendant American Numismatic Association ("ANA") does oppose
12 Plaintiffs' request to file a Third Amended Complaint, and will oppose any motion made by
13 Plaintiffs;

14 **WHEREAS**, Plaintiffs will file a motion to amend their complaint pursuant to Federal
15 Rule of Civil Procedure 15;

16 **WHEREAS**, in the interest of judicial economy, the Parties jointly propose that the Court
17 stay the briefing schedule agreed to at the Case Management Conference pending the Court's
18 ruling on Plaintiffs' anticipated motion to amend their complaint pursuant to Federal Rule of
19 Civil Procedure 15;

20 **WHEREAS**, the Parties request that the Court adopt a briefing schedule for Plaintiffs'
21 motion to amend their complaint as stated below;

22 **WHEREAS**, the Parties request that if necessary, a further Case Management Conference
23 be heard telephonically after the Court rules on Plaintiffs' motion to amend their complaint to
24 determine the next steps for further briefing (i.e., if Plaintiffs' motion to amend is granted, a
25 briefing schedule on Defendants' anticipated motions to dismiss, and if Plaintiffs' motion to
26 amend is denied, a briefing schedule on Defendants' letter briefs);

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1 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties hereto through
2 their respective counsel of record, that:

3 **1.** Plaintiffs will file a motion to amend their complaint pursuant to Federal Rule of
4 Civil Procedure 15 on or before January 15, 2010;

5 **2.** Defendant ANA will file their Opposition to Plaintiffs' motion to amend their
6 complaint on or before February 15, 2010;

7 **3.** Plaintiffs will file their reply in support of their motion to amend their complaint
8 on or before March 1, 2010;

9 **4.** The Court will hear Plaintiffs' motion to amend their complaint on March 12,
10 2010 at 9:00 a.m.;

11 **5.** The previously agreed to briefing schedule for Defendants' letter briefs and
12 Plaintiffs' response letter briefs will be stayed pending a ruling on Plaintiffs' motion to amend
13 their complaint;

14 **6.** If necessary, a further Case Management Conference will be held after the Court's
15 ruling on Plaintiffs' motion to amend their complaint to discuss further briefing schedules.

16 **IT IS SO STIPULATED.**

17 Dated: November 25, 2009

COOLEY GODWARD KRONISH LLP

19 /s/ Benjamin F. Chapman
20 Benjamin F. Chapman (234436)

21 Attorneys for Defendant
22 EBAY INC.

23 Dated: November 25, 2009

ROPERS, MAJESKI, KOHN & BENTLEY

24 /s/ Jung H. Park
25 Jung H. Park (209473)

26 Attorneys for Defendant
27 AMERICAN NUMISMATIC ASSOCIATION

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Dated: November 25, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ George Ziser
George Ziser (51879)

Attorneys for Defendant
PROFESSIONAL NUMISMATICS GUILD, INC.

Dated: November 25, 2009

MARINA TRUBITSKY & ASSOCIATES, PLLC

/s/ Marina Trubitsky
Marina Trubitsky (pro hac vice)

Attorneys for Plaintiffs
UNIVERSAL GRADING SERVICE, JOHN
CALLANDRELLO, JOSEPH KOMITO and
VADIM KIRICHENKO

Good cause appearing, **IT IS SO ORDERED.**

Dated: 12/9, 2009



HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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