



1           WHEREAS, on April 19, 2010, plaintiffs Devinda Fernando and Vadim Tsigel (together,  
2 “Plaintiffs”) filed the Complaint in this action, which was served on defendants eBay Inc. and  
3 PayPal, Inc. (together, “Defendants”) by personal service on August 18, 2010;

4           WHEREAS, on October 18, 2010, Defendants filed a Motion to Dismiss Plaintiffs’  
5 Complaint;

6           WHEREAS, the parties have previously stipulated (the “Prior Stipulation”) that: (a) the  
7 hearing on Defendants’ Motion to Dismiss shall be continued until January 28, 2011; (b) Plaintiffs  
8 shall file and serve an Amended Complaint or their Opposition to Defendants’ Motion to Dismiss  
9 on or before January 7, 2011; (c) assuming Plaintiffs file and serve an Amended Complaint on or  
10 before January 7, 2011, then the January 28, 2011 hearing on Defendants’ Motion to Dismiss shall  
11 be taken off calendar; (d) Defendants shall have until March 8, 2011 to respond to Plaintiffs’  
12 Amended Complaint; and (e) the Case Management Conference shall be continued until April 22,  
13 2011 at 10:30 a.m., and the parties’ Joint Case Management Statement shall be filed by April 8,  
14 2011;

15           WHEREAS, the Prior Stipulation was entered by this Court on November 4, 2010 (Dkt.  
16 No. 18.);

17           WHEREAS, counsel for Plaintiffs has informed counsel for PayPal that, due to medical  
18 issues and inclement weather in New York, Plaintiffs require an extension of time to file an  
19 Amended Complaint;

20           WHEREAS, the parties have agreed to extend the date by which Plaintiffs must file an  
21 Amended Complaint by an additional period of forty-five (45) days from January 7, 2011 to and  
22 including February 22, 2011;

23           WHEREAS, given the extension of time to file an Amended Complaint, the parties have  
24 agreed that the hearing on Defendants’ Motion to Dismiss, currently set for January 28, 2011, shall  
25 be taken off calendar;

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1           WHEREAS, the parties have agreed that, assuming Plaintiffs file an Amended Complaint  
2 on or before February 22, 2011, Defendants shall have until and including April 25, 2011 to  
3 respond to Plaintiffs' Amended Complaint;

4           WHEREAS, a Case Management Conference is currently set for April 22, 2011 at 10:30  
5 a.m.; and

6           WHEREAS, it would promote judicial efficiency to continue the Case Management  
7 Conference and the parties' submission of their Joint Case Management Statement until after  
8 Defendants respond to the Amended Complaint and after the hearing on any motion filed by  
9 Defendants in response to the Amended Complaint.

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

3 (a) The hearing on Defendants' Motion to Dismiss, currently set for January 28, 2011,  
4 shall be taken off calendar;

5 (b) Plaintiffs shall file an Amended Complaint on or before February 22, 2011;

6 (c) Defendants shall have until and including April 25, 2011 to respond to Plaintiffs'  
7 Amended Complaint; and

8 (d) The Case Management Conference, currently set for April 22, 2011 at 10:30 a.m.,  
9 shall be continued until June ~~8, 2011~~<sup>10</sup> at 10:30 a.m., and the parties' Joint Case Management,  
10 currently due by April 8, 2011, shall be filed by May 25, 2011.

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12 Dated: January 7, 2011

STROOCK & STROOCK & LAVAN LLP

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14 By /s/ George S. Azadian  
15 George S. Azadian

16 Attorneys for Defendants  
17 EBAY INC. and PAYPAL, INC.

18 Dated: January 7, 2011

MARINA TRUBITSKY & ASSOCIATES, PLLC

19 By /s/ Marina Trubitsky  
20 Marina Trubitsky

21 Attorneys for Plaintiffs  
22 DEVINDA FERNANDO and VADIM TSIGEL

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**PROPOSED ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 1/11/2011

  
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UNITED STATES DISTRICT JUDGE

