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**** E-filed September 24, 2010 ****

8 Attorneys for Defendants
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10 [Additional Counsel Listed on Signature Page]

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

15 CHARLOTTE SMITH, ET AL.

Case No. C-10-03825(HRL)

16 Plaintiffs,

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER TO STAY CASE PENDING
 RESOLUTION OF RELATED CASE ON
 APPEAL**

17 v.

18 EBAY CORPORATION, ET AL.,

19 Defendants.

20 **WHEREAS**, Plaintiffs Charlotte Smith, Paul Jackson, Art Beltrone, Lee Beltrone, James
 21 Mountain, and Jean Mountain filed their Class Action Complaint in the above-captioned matter
 22 on April 12, 2010;

23 **WHEREAS**, the above-captioned matter was transferred out of the United States District
 24 Court, Eastern District of Michigan on August 24, 2010 and entered on this Court's docket on
 25 August 27, 2010;

26 **WHEREAS**, *In re eBay Seller Antitrust Litigation*, No. C-07-01882-JF(HRL), a related
 27 case, is currently on appeal before the 9th Circuit Court of Appeals;

28 **WHEREAS**, both parties recognize that the resolution of the appeal in *In re eBay Seller
 Antitrust Litigation* will allow for a more efficient resolution of the issues in the above-captioned
 matter by avoiding an unduly burdensome and unnecessary duplication of labor and expense;

STIPULATION AND ~~PROPOSED~~ ORDER
 TO STAY CASE -- NO. C-10-03825(HRL)

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ORDER

IT IS SO ORDERED.

Dated: September 24, 2010



HONORABLE HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

I, Thomas P. Brown, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest that Peter W. Macuga, II has concurred in this filing.