1	THOMAS P. BROWN (S.B. #182916) - tbrown@omm.com RANDALL W. EDWARDS (S.B. #179053) - redwards@omm.com ** E-filed September 24, 2010		
2	O'MELVENY & MYERS LLP Two Embarcadero Center, 28th Floor		
3	San Francisco, CA 94111-3823 Telephone: (415) 984-8700		
4	Facsimile: (415) 984-8701		
5	Attorneys for Defendants eBay Inc., PayPal Inc.		
6	[Additional Counsel Listed on Signature Page]		
7			
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JO	OSE DIVISION	
11			
12	CHARLOTTE SMITH, ET AL.	Case No. C-10-03825(HRL)	
13	Plaintiffs,	JOINT STIPULATION AND <b>PROPOSED</b> ORDER TO STAY CASE PENDING	
14	V.	RESOLUTION OF RELATED CASE ON APPEAL	
15	EBAY CORPORATION, ET AL.,		
16	Defendants.		
17			
18	WHEREAS, Plaintiffs Charlotte Smith, Paul Jackson, Art Beltrone, Lee Beltrone, James		
19	Mountain, and Jean Mountain filed their Class Action Complaint in the above-captioned matter		
20	on April 12, 2010;		
21	WHEREAS, the above-captioned matter was transferred out of the United States District		
22	Court, Eastern District of Michigan on August 24, 2010 and entered on this Court's docket on		
23	August 27, 2010;		
24	WHEREAS, In re eBay Seller Antitr	ust Litigation, No. C-07-01882-JF(HRL), a related	
25	case, is currently on appeal before the 9th Circuit Court of Appeals;		
26	WHEREAS, both parties recognize that the resolution of the appeal in <i>In re eBay Seller</i>		
27	Antitrust Litigation will allow for a more efficient resolution of the issues in the above-captioned		
28	matter by avoiding an unduly burdensome ar	d unnecessary duplication of labor and expense;	
		STIPULATION AND <del>[PROPOSED]</del> ORDER TO STAY CASE NO. C-10-03825(HRL)	

1	NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, AGREED, AND
2	ORDERED AS FOLLOWS: that the Court shall temporarily stay all litigation proceedings and
3	defer all rulings in the above-captioned case until the 9th Circuit remands or returns the mandate
4	in In re eBay Seller Antitrust Litigation to the United States District Court, Northern District of
5	California. The parties shall inform the Court within a reasonable amount of time of such
6	activity.
7	IT IS SO STIPULATED AND AGREED.
8	Dated: September 21, 2010
9 10	THOMAS P. BROWN RANDALL W. EDWARDS O'MELVENY & MYERS LLP
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12	By:_/s/ Thomas P. Brown
13	Thomas P. Brown Attorneys for Defendants
14	eBay Inc.; PayPal Inc.
15	Dated: September 21, 2010
16	PETER W. MACUGA, II KEVIN J. MCGINESS
17	MACUGA, LIDDLE, & DUBIN, P.C.
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19	By: /s/ Peter W. Macuga, II  Peter W. Macuga, II
20	Attorneys for Plaintiffs Charlotte Smith, Paul Jackson, Art Beltrone,
21	Lee Beltrone, James Mountain, and Jean Mountain
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1	ORDER
2	IT IS SO ORDERED.
3	Dated: September 24, 2010  HON HOWARY R. LLOYD
4	UNI ED STATES MAGISTRATI, JUDGE
5	
6	I, Thomas P. Brown, am the ECF User whose ID and password are being used to file this
7	Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest
8	that Peter W. Macuga, II has concurred in this filing.
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