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Attorneys for Defendant
 eBay Inc., a Delaware Corporation

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

14 MELISSA J. EARLL, individually and on behalf
 15 of all others similarly situated,

16 Plaintiff,

17 v.

18 eBAY INC., a Delaware Corporation,

19 Defendant.

No. 5:11-CV-00262-EJD

**STIPULATION AND ~~PROPOSED~~
 ORDER TO RESCHEDULE CASE
 MANAGEMENT CONFERENCE**

1 Plaintiff Melissa J. Earll (“Plaintiff”) and Defendant eBay Inc. (“eBay”); and
2 together with Plaintiff, the “Parties”) stipulate as follows and request that the Court enter the
3 [Proposed] Order set forth below.

4 1. On July 29, 2011, the Parties submitted a Joint Case Management Statement, in
5 compliance with Civ. L.R. 16-9 and Court’s March 1, 2007 Standing Order on Joint Case
6 Management Statements. *See* Dkt. 56. The Joint Case Management Statement noted the Parties’
7 previous agreement to stay discovery pending resolution of motions to dismiss. *See id.* at 3-4.
8 The Joint Case Management Statement included the Parties’ proposed case schedules, both of
9 which are tied to resolution of motions to dismiss. *See id.* at 6-7.

10 2. On October 7, 2011, the Court set a Case Management Conference for March 9,
11 2012. *See* Clerk’s Notice, Dkt. 65.

12 3. On October 19, 2011, eBay moved to dismiss Plaintiff’s First Amended
13 Complaint. *See* Dkt. 66.

14 4. On February 7, 2012, the Court took eBay’s Motion to Dismiss Plaintiff’s First
15 Amended Complaint under submission without oral argument. *See* Clerk’s Notice, Dkt. 70.

16 5. The Parties respectfully suggest that the next Case Management Conference be
17 set after resolution of eBay’s Motion to Dismiss Plaintiff’s First Amended Complaint.

18 6. In light of the above, the Parties stipulate and request that the Court order:

- 19 a. that the case management conference currently set for March 9, 2012, be vacated;
- 20 b. that a case management conference be set for two weeks after the Court’s Order
21 on eBay’s Motion to Dismiss is issued, or such other date as is convenient for the
22 Court.

1 DATED: February 27, 2012

2
3 Bingham McCutchen LLP

4
5 By: /s/ Mary T. Huser
6 Mary T. Huser

7 Attorneys for Defendant
8 eBay Inc.

9 In accordance with General Order No. 45, Rule X, the above signatory attests that
10 concurrence in the filing of this document has been obtained from the signatory below.
11 DATED: February 27, 2012

12 Aschenbrener Law, P.C.

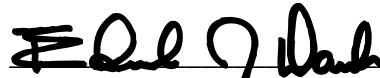
13
14
15 By: /s/ Michael J. Aschenbrener
16 Michael J. Aschenbrener

17 Attorneys for Plaintiff

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 The March 9, 2012 Case Management Conference and associated deadlines are VACATED.
20 The court will address scheduling issues further in the order on Defendant's Motion to
21 Dismiss.

22 DATED: _ February 29 _ , 2012

23 
Edward J. Davila

24 United States District Court Judge