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7/16/2013

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION

22 RICHARD NOLL AND RHYTHM MOTOR
 SPORTS, LLC, Individually and on behalf of
 23 all others similarly situated,
 24 Plaintiff,
 25 v.
 26 EBAY INC.
 27 Defendant.

Case No. 5:11-CV-04585 EJD

**STIPULATION REGARDING DEFERRAL OF
 DEFENDANT'S RESPONSE TO PLAINTIFFS'
 CONSOLIDATED THIRD AMENDED CLASS
 ACTION COMPLAINT AND DISCOVERY**

Courtroom: 4
 Judge: Hon. Edward J. Davila
 Trial Date: None Set

1 This Stipulation is entered into pursuant to Local Rule 6-1, by and among plaintiffs
2 Richard Noll (“Noll”) and Rhythm Motor Sports, LLC (“Rhythm”) (collectively, “Plaintiffs”) and
3 defendant eBay Inc. (“eBay”) (Plaintiffs and eBay collectively, “the Parties”), by and through
4 their respective counsel.

5 WHEREAS, on July 1, 2013, Plaintiffs’ Consolidated Third Amended Class Action
6 Complaint (“TAC”) was filed in the above captioned action [Docket No. 102];

7 WHEREAS, pursuant to Federal Rule of Civil Procedure 15, eBay’s deadline to respond
8 to the TAC is July 18, 2013;

9 WHEREAS, under Civil Local Rule 6-1(a), parties may stipulate in writing, without a
10 court order, to extend the time within which to answer or otherwise respond to a complaint;

11 WHEREAS, deferring the date for eBay to respond to the TAC and deferring formal
12 discovery as set forth below will not alter the date of any event or deadline already fixed by Court
13 order;

14 WHEREAS, the Parties agree that, for purposes of judicial economy and to preserve party
15 resources, eBay’s deadline to respond to the TAC and formal discovery among the Parties should
16 be deferred pending the Parties’ initial discussions concerning a potential resolution of this action;

17 WHEREAS, the Parties agree to submit a further stipulation proposing deadlines for
18 eBay’s response to the TAC and other case management dates if necessary, based on the outcome
19 of the Parties’ discussions;

20 NOW, THEREFORE, the Parties agree that eBay’s deadline to respond to the TAC and
21 formal discovery will be deferred pending the Parties’ exchange of information and discussions
22 concerning a potential resolution to the above captioned action. The Parties agree to submit a
23 further submission to the Court proposing deadlines for eBay’s response to the TAC, formal
24 discovery, and other case management dates if necessary in light of the Parties’ discussions.

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1 **IT IS SO STIPULATED.**

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3 Dated: July 12, 2013

COOLEY LLP

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/s/ Whitty Somvichian

Whitty Somvichian

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Attorneys for Defendant EBAY INC.

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8 Dated: July 12, 2013

FIGARI & DAVENPORT, LLP

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/s/ Keith R. Verges

Keith R. Verges

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*Attorneys for Plaintiffs RICHARD NOLL and
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

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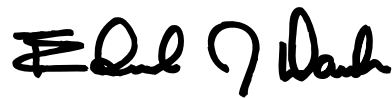
Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatory.

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/s/ Whitty Somvichian

The Court also schedules a Status Conference for **August 30, 2013 at 10:00 AM**. On or before **August 23, 2013** the parties shall file a joint status statement.

7/16/2013

A handwritten signature in black ink, appearing to read "E. J. D. W. D.", is positioned to the right of the date.