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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE SAM FRANCIS FOUNDATION;
ESTATE OF ROBERT GRAHAM;
CHUCK CLOSE; LADDIE JOHN
DILL; individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

EBAY INC., a Delaware corporation,

Defendant.

Case No. 2:11-cv-08622-JHN-PLA

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS PLAINTIFFS'
COMPLAINT PURSUANT TO FED. R.
CIV. P. 12(B)(6)**

Judge: Hon. Jacqueline H. Nguyen

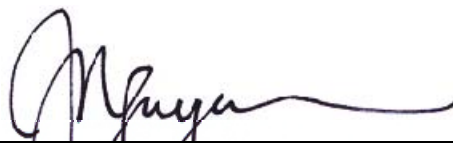
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This matter comes before the Court on Defendant eBay, Inc.’s (“eBay”) Motion to Dismiss. (Docket no. 11.) The Court has read and considered the briefs filed by the parties in this matter. The Court has also considered the oral argument that took place on March 12, 2012.

For the reasons laid out in detail in this Court’s decision in the related matters of *Estate of Robert Graham et al v. Sotheby’s Inc.*, 2:11-cv-08604-JHN-FFM, and *Sam Francis Foundation et al v. Christie’s, Inc.*, 2:11-cv-08605-JHN-FFM, the Court hereby **GRANTS** eBay’s Motion to Dismiss with prejudice because the California Resale Royalties Act, Cal. Civ. Code § 986, violates the Commerce Clause of the United States Constitution.

IT IS SO ORDERED.

Dated: May 17, 2012



Jacqueline H. Nguyen
Circuit Judge, United States Court of Appeals for the Ninth Circuit, sitting by designation