

# North Carolina Court of Appeals

## Docket Sheet

Hill v StubHub, Inc., et al

**Case Number:** 11-685

**As of:** 04/25/2024

**Case Closed:** Yes

**Close Date:** 03-26-2012

**Case Type:** Civil (Civil\_othr)

**Mediation:** No

JEFFREY A. and LISA S. HILL,  
individually and on behalf of  
all others similarly situated,  
Plaintiffs,

V

STUBHUB, INC. d/b/a StubHub!  
and/or stubhub.com, JUSTIN  
HOLOHAN, and John Doe Sellers 2,  
et al.,  
Defendants.

|                                |                              |                         |                                  |
|--------------------------------|------------------------------|-------------------------|----------------------------------|
| <b>Docket Date:</b> 06-13-2011 | <b>File Date:</b> 06-08-2011 | <b>File Time:</b> 09:32 | <b>Acquired Date:</b> 06-08-2011 |
| <b>Bond Collected:</b> Yes     | <b>Docket Fee:</b> Yes       | <b>Pauper:</b> No       | <b>Print Deposit:</b> No         |
|                                |                              |                         | <b>State Appeals:</b> No         |

### History

|                             |                                 |
|-----------------------------|---------------------------------|
| <b>Venue:</b> Guilford (24) | <b>Heard In:</b> Superior Court |
| <b>To SC:</b>               | <b>From SC:</b>                 |

### Lower Court Number(s)

Location: Guilford (24)  
Judge: Ben F. Tennille  
Case #: 07CVS11310

### Tracking/Argue

**Argue Date:** 12-01-2011 #

### Opinion

Opinion Date: 03-06-2012    Cert Date: 03-26-2012  
Author: Honorable Sam J. Ervin, IV  
Decision: Reversed  
Opinion Notes:  
Opinion Pages: 39    Opinion Cost: \$ 7.80  
Cite:  
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=27985>

### Documents

| Document | Date Recvd | Cert of Service | Rec/Brf Due | Resp. Due | Resp. Recvd | Mailed Out | Ruling | Ruling Date |
|----------|------------|-----------------|-------------|-----------|-------------|------------|--------|-------------|
|----------|------------|-----------------|-------------|-----------|-------------|------------|--------|-------------|

|                     |            |            |  |            |            |            |         |            |
|---------------------|------------|------------|--|------------|------------|------------|---------|------------|
| (1) RECORD          | 06-08-2011 | 06-07-2011 |  |            |            | 06-13-2011 |         |            |
| (2) M-GEN           | 06-17-2011 | 06-17-2011 |  |            |            |            | Allowed | 06-22-2011 |
| (3) PWC             | 06-23-2011 | 06-23-2011 |  | 07-11-2011 | 07-06-2011 |            | Allowed | 03-06-2012 |
| (4) M-GEN           | 07-06-2011 | 07-06-2011 |  | 07-20-2011 |            |            | Denied  | 03-06-2012 |
| (5) INFORM SHT      | 07-13-2011 |            |  |            |            |            |         |            |
| (6) M-GEN           | 07-13-2011 | 07-13-2011 |  |            | 07-29-2011 |            | Allowed | 07-14-2011 |
| (7) M-GEN           | 07-13-2011 | 07-13-2011 |  |            |            |            | Allowed | 07-15-2011 |
| (8) APPELLANT BRIEF | 07-13-2011 |            |  |            |            | 07-14-2011 |         |            |
| (9) AMICUS          | 07-13-2011 | 07-13-2011 |  |            |            | 07-19-2011 |         |            |
| (10) M-GEN          | 07-26-2011 | 07-26-2011 |  |            |            |            | Allowed | 07-27-2011 |
| (11) APPELLEE BRIEF | 09-14-2011 | 09-14-2011 |  |            |            | 09-15-2011 |         |            |
| (12) REPLY          | 09-14-2011 | 09-14-2011 |  |            |            | 09-15-2011 |         |            |
| (13) M-GEN          | 11-15-2011 | 11-15-2011 |  |            |            |            | Allowed | 11-22-2011 |
| (14) REPLY          | 11-22-2011 |            |  |            |            | 11-29-2011 |         |            |

## 1 - RECORD

Filed: 06-08-2011 @ 09:32:00

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K &amp; L GATES, LLP

## 2 - MOTION DEFENDANT-APPELLANT'S MOTION FOR ADMISSION OF DAVID LENDER AS COUNSEL, PRO HAC VICE (Allowed) - 06-22-2011

Filed: 06-17-2011 @ 11:17:41

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K &amp; L GATES, LLP

The following order was entered:

The motion filed in this cause on the 17th of June 2011 and designated 'Defendant-Appellant's Motion for Admission of David Lender as Counsel, Pro Hac Vice' is allowed. David J. Lender is admitted to practice pro hac vice. Some panels of this Court require sponsoring counsel to be present for oral argument.

By order of the Court this the 22nd of June 2011.

## 3 - PWC (Allowed) - 03-06-2012

Filed: 06-23-2011 @ 15:21:18

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K &amp; L GATES, LLP

The following order was entered:

The petition filed in this cause on the 23rd of June 2011 and designated 'Petition for Writ of Certiorari' is allowed per opinion.

By order of the Court this the 6th of March 2012.

The above order is therefore certified to the Clerk of the Superior Court, Guilford County.

## RESPONSE TO PWC

Filed: 07-06-2011

BY : Mr. Jeffrey E. Oleynik

BROOKS, PIERCE, MCLENDON, HUMPHREY &amp; LEONARD, LLP

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4 - MOTION PLAINTIFFS' MOTION TO DISMISS APPEAL (Denied) - 03-06-2012

Filed: 07-06-2011 @ 16:13:47

FOR: Appellee Hill, Jeffrey A., et al

BY : Mr. Jeffrey E. Oleynik

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 6th of July 2011 and designated 'Plaintiffs' Motion to Dismiss Appeal' is denied per opinion.

By order of the Court this the 6th of March 2012.

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5 - AIS INFORM SHT

Filed: 07-13-2011 @ 15:47:54

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K & L GATES, LLP

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6 - MOTION DEFENDANT-APPELLANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTION TO DISMISS APPEAL (Allowed) - 07-14-2011

Filed: 07-13-2011 @ 16:18:03

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K & L GATES, LLP

The following order was entered:

The motion filed in this cause on the 13th of July 2011 and designated 'Defendant-Appellant's Unopposed Motion for Extension of Time to Respond to Plaintiffs' Motion to Dismiss Appeal' is allowed. Defendant-appellant's response shall be filed on or before 29 July 2011.

By order of the Court this the 14th of July 2011.

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RESPONSE TO MOTION DEFENDANT-APPELLANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTION TO DISMISS APPEAL

Filed: 07-29-2011

BY : Mr. John H. Culver, III

K & L GATES, LLP

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7 - MOTION MOTION OF CENTER FOR DEMOCRACY & TECHNOLOGY, COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, CONSUMER ELECTRONICS ASSOCIATION, EBAY, INC., ELECTRONIC FRONTIER FOUNDATION, INTERNET COMMERCE COALITION, NETCHOICE, NETCOALITION, PUBLIC KNOWLEDGE, TECHAMERICA, AND TECHNET FOR LEAVE TO FILE A BRIEF AMICUS CURIAE IN SUPPORT OF DEFENDANT-APPELLANT (Allowed) - 07-15-2011

Filed: 07-13-2011 @ 08:11:12

FOR:

BY : Mr. Patrick J. Carome

WILMER CUTLER PICKERING HALE & DORR LLP

The following order was entered:

The motion filed in this cause on the 13th of July 2011 and designated 'Motion of Center for Democracy & Technology, Computer & Communications Industry Association, Consumer Electronics Association, Ebay, Inc., Electronic Frontier Foundation, Internet Commerce Coalition, Netchoice, Netcoalition, Public Knowledge, Techamerica, and Technet for Leave to File a Brief Amicus Curiae in Support of Defendant-Appellant' is allowed. The attached brief shall be printed.

By order of the Court this the 15th of July 2011.

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8 - APPELLANT BRIEF

Filed: 07-13-2011 @ 16:01:01

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K & L GATES, LLP

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9 - OTHER BRIEF AMICUS

Filed: 07-13-2011 @ 08:11:00

FOR:

BY : Hon. Burley B. Mitchell, Jr.

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

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10 - MOTION CONSENT MOTION TO EXTEND TIME TO FILE PLAINTIFFS-APPELLEES' BRIEFS (Allowed) - 07-27-2011

Filed: 07-26-2011 @ 07:37:59

FOR: Appellee Hill, Jeffrey A., et al

BY : Mr. Jeffrey E. Oleynik

BROOKS, PIERCE, MCLENDON, HUMPHREY &amp; LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 26th of July 2011 and designated 'Consent Motion to Extend Time to File Plaintiffs-Appellees' Briefs' is allowed. Plaintiff-appellees' brief shall be filed on or before 14 September 2011.

By order of the Court this the 27th of July 2011.

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11 - APPELLEE BRIEF

Filed: 09-14-2011 @ 04:37:00

FOR: Appellee Hill, Jeffrey A., et al

BY : Mr. Charles E. Coble

BROOKS, PIERCE, MCLENDON HUMPHREY &amp; LEONARD, LLP

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12 - APPELLEE BRIEF REPLY

Filed: 09-14-2011 @ 04:37:00

FOR: Appellee Hill, Jeffrey A., et al

BY : Mr. Charles E. Coble

BROOKS, PIERCE, MCLENDON HUMPHREY &amp; LEONARD, LLP

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13 - MOTION MOTION FOR LEAVE TO FILE A REPLY BRIEF (Allowed) - 11-22-2011

Filed: 11-15-2011 @ 19:00:00

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K &amp; L GATES, LLP

The following order was entered:

The motion filed in this cause on the 15th of November 2011 and designated 'Motion for Leave to File a Reply Brief' is allowed.

By order of the Court this the 22nd of November 2011.

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14 - APPELLANT BRIEF REPLY

Filed: 11-22-2011 @ 16:17:29

FOR: Defendant-Appellant StubHub, Inc.

BY : Mr. John H. Culver, III

K &amp; L GATES, LLP

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**Financial Information**

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**Receipts**

| Date Charged | Charge Type     | Amount Charged | Amount Paid | Document        | Pages | Receipt #  | Date Paid  |
|--------------|-----------------|----------------|-------------|-----------------|-------|------------|------------|
| 07-19-2011   | Printing        | 43.75          | 43.75       | OTHER BRIEF     | 25    | R082006511 | 08-03-2011 |
|              | Docket Fee      | 10.00          | 10.00       |                 |       | R062010011 | 06-13-2011 |
|              | Bond            | 250.00         | 250.00      |                 |       | R062010011 | 06-13-2011 |
| 06-13-2011   | Printing        | 5528.25        | 5528.25     | RECORD          | 3159  | R072002011 | 07-05-2011 |
| 06-23-2011   | Pro Hac Vice    | 225.00         | 225.00      |                 |       | R062036311 | 06-23-2011 |
| 06-27-2011   | Pre Docket Fees | 10.00          | 10.00       |                 |       | R062040011 | 06-27-2011 |
| 07-14-2011   | Printing        | 169.75         | 169.75      | APPELLANT BRIEF | 97    | R082020711 | 08-17-2011 |
| 11-29-2011   | Printing        | 124.25         | 124.25      | APPELLANT BRIEF | 71    | R122030411 | 12-21-2011 |
| 09-15-2011   | Printing        | 161.00         | 161.00      | APPELLEE BRIEF  | 92    | R092018111 | 09-20-2011 |
| 09-15-2011   | Printing        | 84.00          | 84.00       | APPELLEE BRIEF  | 48    | R092018211 | 09-20-2011 |
| 03-06-2012   | Assess          | 5841.25        | 5841.25     |                 |       | R082008712 | 08-10-2012 |

**Payments**

| Payment Date | Payment Type | Amount  | Check Number |
|--------------|--------------|---------|--------------|
| 08-28-2012   | Disburse     | 6082.25 | 37645        |

**Exhibits****Parties**

| Party Name         | Role                |
|--------------------|---------------------|
| Hill, Jeffrey A.   | Plaintiff-Appellee  |
| Hill, Lisa S.      | Plaintiff-Appellee  |
| StubHub, Inc.      | Defendant-Appellant |
| Holohan, Justin    | Defendant-Appellee  |
| John Doe Sellers 2 | Defendant-Appellee  |

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