

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK BIEBER, individually and on
behalf of all others similarly situated,

Plaintiff(s),

v.

DIRECTV, LLC,

Defendant.

No. 1:16-cv-01037-DAD-SKO

ORDER DIRECTING THE CLERK OF THE
COURT TO CLOSE THE CASE

(Doc. 23)

On February 1, 2017, the parties filed a joint stipulation dismissing the action “with prejudice as to the named Plaintiff, and without prejudice as to the Putative Class alleged in the complaint, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).” (Doc. 23.)

In light of the parties’ stipulation, this action has been terminated, *see* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and has been dismissed WITH PREJUDICE as to the named plaintiff, and WITHOUT PREJUDICE as to the proposed class as defined in the complaint.¹ Accordingly, the Clerk of the Court is directed to

¹ The proposed class is defined in the complaint as follows:

All persons in the United States whose bank accounts were debited by Defendants [sic] without Defendants [sic] obtaining authorization for preauthorized electronic fund transfers within the one year prior to the filing of this Complaint.

1 close this case.

2

3 IT IS SO ORDERED.

4

5 Dated: February 2, 2017

6

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28