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 BUTH-NA-BODHAIGE, INC. d/b/a
 7 THE BODY SHOP

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 AIMEE LAMBERT, an individual, on
 12 behalf of herself and all others similarly
 13 situated,
 Plaintiff,
 14
 v.
 15 BUTH-NA-BODHAIGE, INC., a
 16 Delaware corporation; RAZE MEDIA,
 17 LLC, a Texas limited liability company;
 and DOES 1 – 50, inclusive,
 18 Defendants.

Case No. 2:14-cv-00514-MCE-KJN

**STIPULATION AND ORDER TO LIFT
 STAY IN PART AND RELIEVE PARTIES
 OF OBLIGATION TO PROVIDE STATUS
 REPORTS**

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1 WHEREAS, on February 20, 2014, Plaintiff Aimee Lambert (“Plaintiff”) filed a
2 Complaint in this Court and asserted a single claim under the Telephone Consumer Protection
3 Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, based upon allegations that Defendants Buth-Na-
4 Bodhaige, Inc. d/b/a The Body Shop (“TBS”) and Raze Media, LLC (“Raze”) sent marketing text
5 messages to Plaintiff and the putative class in alleged violation of the TCPA;

6 WHEREAS, on August 20, 2014, the Court entered an Order (D.E. 17) granting TBS’s
7 Motion to Dismiss or Stay (D.E. 10) and staying the action pending further order of the Court;

8 WHEREAS, the Order requires the parties to file a Joint Status Report every 60 days to
9 advise the Court as to the status of the petitions filed with the Federal Communications
10 Commission (“FCC”) that were identified in TBS’ Request for Judicial Notice (D.E. 12);

11 WHEREAS, in accordance with the Order, the parties submitted a Joint Status Report on
12 October 22, 2014 (D.E. 18), December 19, 2014 (D.E. 19), and February 17, 2015 (D.E. 20);

13 WHEREAS, a Joint Status Report is due as of the date of this filing, April 20, 2015;

14 WHEREAS, in lieu of filing another Joint Status Report, the parties submit this
15 Stipulation and Order because Plaintiff and TBS have reached an agreement in principal as to the
16 material terms of a classwide settlement;

17 WHEREAS, Plaintiff and TBS reached this agreement during a mediation session on
18 March 24, 2015 with the Honorable Fred K. Morrison (Ret.) of JAMS;

19 WHEREAS, Plaintiff and TBS expect to finalize the settlement by the end of April 2015,
20 and will file a Notice of Settlement under Local Rule 160 upon execution of a settlement
21 agreement;

22 WHEREAS, the parties respectfully believe, that in light of the anticipated class
23 settlement, they should be relieved of their obligation to submit a Joint Status Report every 60
24 days, beginning with their obligation to submit a Joint Status Report on April 20, 2015;

25 WHEREAS, the parties further believe that to facilitate a class settlement the stay of this
26 action should be lifted in part to permit Plaintiff to bring a motion for preliminary and final
27 approval of a class settlement pursuant to Federal Rule of Civil Procedure 23(e).

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THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective counsel, as follows:

1. The stay of this action shall be lifted in part to permit presentation of a motion for preliminary and final approval of a class settlement pursuant to Rule 23(e).

2. The stay of this action shall otherwise remain in effect pending further order of the Court.

3. Beginning on April 20, 2015 and pending further Order of the Court, the parties shall no longer be required to submit a Joint Status Report every 60 days, as initially required by this Court’s Order dated August 20, 2014 (D.E. 17).

IT IS SO STIPULATED.

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Dated: April 20, 2015

HORNBERGER LAW CORPORATION

By: /s/ Nicholas W. Hornberger
(authorized 4.20.2015)

Nicholas W. Hornberger
Nathan Verbiscar-Brown

Attorneys for Plaintiff
AIMEE LAMBERT

Dated: April 20, 2015

TRAINOR FAIRBROOK

By: /s/ Kathleen E. Finnerty
(authorized 4.20.2015)

Kathleen E. Finnerty

Attorneys for Defendant
RAZE MEDIA, LLC

Dated: April 20, 2015

DRINKER BIDDLE & REATH LLP

By: /s/ Michael J. Stortz

Michael J. Stortz
Matthew J. Adler


Attorneys for Defendant
BUTH-NA-BODHAIGE, INC. d/b/a
THE BODY SHOP

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ORDER

Pursuant to the signed stipulation of the parties, the Court hereby lifts stay of this action in part to permit presentation of a motion for preliminary and final approval of a class settlement pursuant to Federal Rule of Civil Procedure 23(e). The stay of this action shall otherwise remain in effect pending further order of the Court. Additionally, beginning on April 20, 2015 and pending further Order of the Court, the parties shall no longer be required to submit a Joint Status Report every 60 days, as initially required by this Court's Order dated August 20, 2014.

Dated: April 23, 2015



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT