

1 2. On April 24, 2017 the Court entered a Memorandum and Order granting
2 Plaintiff's Motion. (Docket No. 40).

3 3. On September 28, 2017, the claims administrator notified the Parties that it had
4 distributed all the settlement funds from the common fund. Because all of the opt-in plaintiffs
5 cashed their checks, no funds were distributed to the *cy pres* designee.

6 4. Because the settlement funds have been distributed in accordance with the
7 settlement agreement, the Parties stipulate that the Court should DISMISS this case WITH
8 PREJUDICE.

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10 DATED: October 12, 2017

BRYAN SCHWARTZ LAW

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12 Bryan Schwartz
13 Rachel M. Terp
14 *Attorneys for Plaintiff and the Putative Class*

15 DATED: October 12, 2017

MARTENSON, HASBROUCK & SIMON LLP

16 By: s/Lisa M. Szafranic
17 Patricia E. Simon
18 Lisa M. Szafranic
19 *Attorneys for Defendant*

ORDER

This document shall constitute a final judgment with respect to the Claims of the Settlement Class for purposes of Rule 58 of the Federal Rules of Civil Procedure. The claims of the Settlement Class Members are hereby DISMISSED WITH PREJUDICE.

The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: October 18, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE