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24 UNITED STATES DISTRICT COURT  
 25 EASTERN DISTRICT OF CALIFORNIA

26 TYLER ANDERSON,  
 27 Plaintiff,  
 28 vs.  
 BRINK’S, INCORPORATED, a Delaware  
 Corporation; and DOES 1 through 50, inclusive,  
 Defendants.

Case No. 2:15-cv-02702-MCE-CKD

**STIPULATION OF VOLUNTARY  
 DISMISSAL OF ENTIRE ACTION; AND  
 ORDER**

Complaint Filed: December 30, 2015  
 Trial Date: None Set

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1 Plaintiff Tyler Anderson (“Plaintiff”) and Defendant Brink’s, Incorporated (“Defendant”)  
2 (collectively, the “Parties”) hereby stipulate as follows with reference to the following facts:

3 1. WHEREAS, on December 30, 2015, Plaintiff filed this individual and class action for the  
4 following causes of action: (a) Violation of §15 U.S.C. 1681b(b)(2)(A) (FAIR CREDIT REPORTING  
5 ACT); (b) Retaliation in Violation of California Labor Code § 6310; (c) Wrongful Termination in  
6 Violation of Public Policy; and (d) Intentional Infliction of Emotional Distress. The first cause of action  
7 was brought as a class and individual claim and the second through fourth causes of action were brought  
8 only on an individual basis;

9 2. WHEREAS, on March 25, 2016, Defendant filed a Motion to Stay (“Motion to Stay”)  
10 (Dkt. No. 13, 13-1, 13-2, 13-3) in this action pending the U.S. Supreme Court’s decision in *Spokeo, Inc.*  
11 *v. Robbins*, No. 13-1339 (U.S. April 27, 2015) (hereinafter “*Spokeo*”) given that the Court was set to  
12 decide whether a plaintiff who suffered no actual harm, but sought only statutory damages has standing  
13 to pursue a cause of action for violation of the Fair Credit Reporting Act (“FCRA”);

14 3. WHEREAS, this Court granted the Parties request and stayed this matter pending the  
15 *Spokeo* decision. (Dkt. No. 20);

16 4. WHEREAS, on May 16, 2016, the Supreme Court issued its opinion in the *Spokeo* case,  
17 in which the Supreme Court held that a plaintiff cannot automatically establish the injury in fact  
18 requirements of Article III standing based solely on a procedural violation of the FCRA;

19 5. WHEREAS, in light of the Supreme Court’s decision, the Parties began negotiating for  
20 the settlement of this case and have agreed to dismiss Plaintiff’s individual claims with prejudice and  
21 class claim without prejudice;

22 6. WHEREAS, the dismissal of the class claims without prejudice and the dismissal of  
23 Plaintiff’s individual claims with prejudice will dismiss Plaintiff’s Complaint in its entirety;

24 7. WHEREAS, the Parties agree that this Stipulation will result in the complete dismissal of  
25 the entire action; and

26 8. WHEREAS, the Parties agree that each side shall bear his or its own attorneys’ fees and  
27 costs.

28 NOW, THEREFORE, the Parties hereby stipulate as follows:

1           1.       That the first cause of action for Violation of §15 U.S.C. 1681b(b)(2)(A) (FAIR CREDIT  
2 REPORTING ACT) asserted on behalf of the class be dismissed **without prejudice**;

3           2.       That the first through fourth causes of action for (a) Violation of §15 U.S.C.  
4 1681b(b)(2)(A) (FAIR CREDIT REPORTING ACT); (b) Retaliation in Violation of California Labor  
5 Code § 6310; (c) Wrongful Termination in Violation of Public Policy; and (d) Intentional Infliction of  
6 Emotional Distress, asserted by Plaintiff individually be dismissed **with prejudice**;

7           3.       Based on the foregoing, that this entire action shall be dismissed in its entirety; and

8           4.       That each party is to bear his or its own attorneys' fees and costs.

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11 DATED: April 18, 2017

BROSLAVSKY & WEINMAN, LLP

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14 By: /s/ Zack Proslavsky (as authorized on 7/ /16)  
15 ZACK BROSLAVSKY  
16 JONATHAN A. WEINMAN  
17 Attorneys for Plaintiff and the Class  
18 TYLER ANDERSON

19  
20  
21 DATED: April 18, 2017

OGLETREE, DEAKINS, NASH, SMOAK &  
22 STEWART, P.C.

23 By: /s/ Becki D. Graham  
24 BECKI D. GRAHAM  
25 SUSAN T. YE  
26 Attorneys for Defendant  
27 BRINK'S, INCORPORATED  
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1  
2 **ORDER**

3 Based on the Stipulation filed on behalf of Plaintiff Tyler Anderson (“Plaintiff”) and Defendant  
4 Brink’s, Incorporated (“Defendant”) (collectively, the “Parties”), the Court hereby orders as follows:

5 1. The first cause of action for Violation of §15 U.S.C. 1681b(b)(2)(A) (FAIR CREDIT  
6 REPORTING ACT) asserted on behalf of the class is hereby DISMISSED **without prejudice**;

7 2. The first through fourth causes of action for (a) Violation of §15 U.S.C. 1681b(b)(2)(A)  
8 (FAIR CREDIT REPORTING ACT); (b) Retaliation in Violation of California Labor Code § 6310; (c)  
9 Wrongful Termination in Violation of Public Policy; and (d) Intentional Infliction of Emotional Distress,  
10 asserted by Plaintiff individually is hereby DISMISSED **with prejudice**;

11 3. Based on the foregoing, this entire action is hereby DISMISSED in its entirety; and

12 4. Each party is to bear his or its own attorneys’ fees and costs.

13 IT IS SO ORDERED.

14 Dated: April 18, 2017

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17 MORRISON C. ENGLAND, JR.  
18 UNITED STATES DISTRICT JUDGE  
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