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14 Attorneys for Defendant
 15 SEMINAR CROWDS, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

20 MICHAEL BADER,

21 Plaintiff,

22 vs.

23 SEMINAR CROWDS, INC., and
 24 DOES 1-50,

25 Defendants.

No. 3:10-cv-00428-TEH

STIPULATED REQUEST FOR
 DISMISSAL AND ORDER

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1 WHEREAS, on or about November 6, 2009, Plaintiff Michael Bader (“Plaintiff”)
2 filed a putative class action lawsuit titled *Michael Bader v. Seminar Crowds, Inc.* in the
3 Superior Court of California for the City and County of San Francisco, Case No. CGC-09-
4 494196 (the “Complaint”);

5 WHEREAS, the Complaint alleged that Defendant Seminar Crowds, Inc.
6 (“Defendant”) sent unsolicited facsimile advertisements to Plaintiff and other alleged class
7 members in violation of the Telephone Consumer Protection Act , 47 U.S.C. § 227
8 (“TCPA”), as wells as California’s Business and Professions Code sections 17538.43 and
9 17200;

10 WHEREAS, on or about January 29, 2010, Defendant filed an Answer denying the
11 allegations in the Complaint;

12 WHEREAS, on or about January 29, 2010, Defendant removed the action to the
13 United States District Court for the Northern District of California, commencing Case
14 No. C10-000428-TEH;

15 WHEREAS, this action has not yet been certified as a class action;

16 WHEREAS, based on information exchanged by the parties to date, Plaintiff is
17 informed and believes that Defendant hired a third party vendor to conduct its advertising
18 campaign that resulted in Plaintiff receiving the facsimile advertisement giving rise to the
19 Complaint;

20 WHEREAS, based on information exchanged by the parties to date, Plaintiff is
21 informed and believes that identifying potential class members, if any, and providing
22 necessary notice to potentially identified class members, will be a difficult and costly
23 process that may not lead to the assemblage of enough participants to constitute a
24 meaningful class, thus making the continued pursuit of this matter as a class action a
25 questionable and uncertain undertaking;

26 WHEREAS, based on information exchanged by the parties to date, Plaintiff is
27 informed and believes that the costs to the class to maintain this lawsuit, including
28 potentially extensive third party discovery, are not warranted under these circumstances;

1 WHEREAS, Plaintiff is unaware of the identities of any other potential class
2 members at this time;

3 WHEREAS, the parties have entered into a settlement agreement to resolve the
4 individual claims of Plaintiff and any claims he may otherwise have associated with his
5 status as a putative class member;

6 NOW, THEREFORE, IT IS HEREBY JOINTLY REQUESTED AND AGREED,
7 by and between Plaintiff and Defendant, through their counsel of record, as follows:

8 1. This matter, including the First Cause of Action (TCPA), Second Cause of
9 Action (Cal. Bus & Prof. Code § 17538.43) and Third Cause of Action (Cal. Bus & Prof.
10 Code § 17538.43) shall be dismissed with prejudice as to Plaintiff Michael Bader;

11 2. As to the alleged putative class, the First, Second and Third Causes of
12 Action contained in the Complaint shall be dismissed without prejudice.

13 3. Plaintiff releases any and all interest he may have had in class representation
14 through this action and disclaims any future personal stake in the class action causes of
15 action and allegations or any recovery, actual or potential, associated therewith.

16 Dated: April 23, 2010

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21 By /s/ Roblin Williamson
 Roblin Williamson
22 Attorneys for Plaintiff
 MICHAEL BADER
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