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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASMINDA WEBB,
Plaintiff,
v.
HEALTHCARE REVENUE RECOVERY
GROUP, LLC, et al.,
Defendants.

Case No. 13-cv-00737-JD

ORDER DISMISSING ACTION

Re: ECF Nos. 71, 73

The named plaintiff, Jasminda Webb, brought this action against Healthcare Revenue Recovery Group (“HRRG”) on behalf of herself and a putative class, alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. section 227, *et seq.* According to Webb, HRRG called her cellular telephone at least twice to try and collect on a debt allegedly owed by someone else. Complaint ¶ 7, ECF No. 1. On July 3, 2014, HRRG filed a third-party complaint against Arias Variste, alleging that, when being treated at a hospital, he provided Ms. Webb’s number and claimed it was his own, leading to HRRG phoning it to try and collect on his debt. Third-Party Complaint ¶¶ 12-16, 25.

On September 25, 2014, the parties jointly moved to dismiss this action with prejudice as to the named plaintiff, Jasminda Webb, and without prejudice as to the members of the putative class described in the complaint. Joint Stipulation for Dismissal of Action, ECF No. 71. Because this is the settlement of a putative class action prior to -- and without -- certification, the Court directed that the parties address the factors set forth in *Diaz v. Trust Territory of the Pacific Islands*, 876 F.2d 1401, 1408-11 (9th Cir. 1989). ECF No. 72. The parties have done so, ECF No. 73, and the Court is satisfied that the putative class members will not be prejudiced by the revised settlement. The putative class members’ claims are neither settled nor released, and their claims

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are hereby dismissed without prejudice.

This action is dismissed *with* prejudice as to Jasminda Webb, the named plaintiff, pursuant to the parties' stipulation. The dismissal is *without* prejudice as to the putative class members as they are described in the complaint. The case against Arias Variste is dismissed with prejudice.

IT IS SO ORDERED.

Dated: October 30, 2014



JAMES DONATO
United States District Judge