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6 Attorneys for Defendant Wells Fargo Bank,  
 N.A.

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11 ASHLEY AMIRHAMZEH, individually, and  
 on behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 WELLS FARGO BANK, N.A.,  
 15 TRILEGIANT CORPORATION, a  
 Delaware Corporation, and DOES 1  
 16 through 20, inclusive,

17 Defendants.

CASE NO. 14-CV-02123 VC

**STIPULATION TO DISMISS  
 WELLS FARGO BANK, N.A. WITH  
 PREJUDICE AND ~~(PROPOSED)~~  
 ORDER**

18  
 19 Pursuant to Fed. R. Civ. P. 41(a)(1), the Parties, through their undersigned  
 20 counsel of record, hereby stipulate to dismiss Defendant Wells Fargo Bank, N.A.  
 21 ("WFB") with prejudice from this action. The parties declare in support of this request as  
 22 follows:

23 WHEREAS, Plaintiff ASHLEY AMIRHAMZEH ("Plaintiff") filed the operative First  
 24 Amended Class Action Complaint on June 9, 2014;

25 WHEREAS, on August 8, 2014, Defendant WFB filed its Motion to Compel  
 26 Arbitration and Stay Proceedings ("WFB Motion") and Trilegiant Corporation  
 27 ("Trilegiant") filed its Motion to Dismiss or Stay the Case and Compel Arbitration, or in  
 28 the Alternative, to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) ("Trilegiant

1 Motion") (collectively referred to as "Defendants' Motions");

2 WHEREAS, through previous stipulation, the Parties agreed to allow Plaintiff to  
3 file her opposition briefs to Defendants' Motions on September 12, 2014;

4 WHEREAS, Defendants timely filed their respective reply papers to Plaintiff's  
5 opposition to Defendants' Motions on September 26, 2014;

6 WHEREAS, pursuant to the Court's Order Regarding the Parties' Stipulated  
7 Request for Order Enlarging Time Re Defendants' Motions (Court Docket No. 56),  
8 dated October 2, 2014, the Court set the hearing on Defendants' Motions for October 30,  
9 2014 at 10:00 a.m. to be heard before (or contemporaneously with) the Initial Case  
10 management Conference, which is also set for October 30, 2014, at 10:00 a.m.;

11 WHEREAS, wishing to settle all of Plaintiff's claims and disputes against WFB,  
12 Plaintiff and WFB have reached a good faith settlement, the terms of which are governed  
13 by an executed Settlement Agreement and Release dated October 25, 2014  
14 ("Settlement Agreement");

15 WHEREAS, pursuant to the Settlement Agreement between Plaintiff and WFB, in  
16 exchange for adequate consideration, Plaintiff agrees to voluntarily dismiss WFB with  
17 prejudice from this action;

18 WHEREAS, in executing the Settlement Agreement, WFB expressly denies any  
19 liability for the claims alleged against it in this action;

20 WHEREAS Defendant Trilegiant does not oppose Plaintiff's voluntary dismissal of  
21 WFB with prejudice of this action;

22 WHEREAS, a class has not been certified in this action as of the date of this  
23 Stipulation, and therefore court approval under Fed. R. Civ. P. 23(e) is not required;

24 NOW, THEREFORE, pursuant to Fed. R. Civ. P. 41(a)(1), the Parties through  
25 their respective attorneys stipulate as follows:

26 1. Pursuant to a settlement reached by and between Plaintiff and WFB, the  
27 terms of which are governed by the Settlement Agreement, WFB is dismissed with  
28 prejudice from this action.

1           2.       Given the dismissal of WFB with prejudice from the action, WFB's Motion  
2 set for hearing on October 30, 2014 is now moot, and therefore the Parties respectfully  
3 request that hearing on WFB's Motion be vacated or removed from the Court's calendar;

4           3.       The hearing on Trilegiant's Motion shall remain on calendar for October 30,  
5 2014 at 10:00 a.m., and the Initial Case Management Conference shall also remain on  
6 calendar for October 30, 2014 at 10:00 a.m.

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**IT IS SO STIPULATED.**

Dated: October 28, 2014

**HANSON BRIDGETT LLP**

By: s/ John T. Cu  
John T. Cu  
Gilbert J. Tsai  
Attorneys for Defendant WELLS FARGO  
BANK, N.A.

Dated: October 28, 2014

**LAW OFFICES OF FARRAH MIRABEL**

By: s/ Farrah Mirabel  
Farrah Mirabel

Attorneys for Plaintiffs ASHLEY AMIRHAMZEH,  
individually and on behalf of all others similarly  
situated

Dated: October 28, 2014

**MORGAN, LEWIS & BOCKIUS LLP**

By: s/ Joseph E. Floren  
Joseph E. Floren  
Kenneth M. Kilebard  
Gregory T. Fouts  
Attorneys for Defendant TRILEGIANT  
CORPORATION

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**ATTESTATION PER LOCAL CIVIL RULE 5-1(l)(3)**

I am a signatory to this document and am the person whose ECF and ID and passwords are being utilized in its electronic filing with the Court. I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 28th day of October 2014 at San Francisco, California.

s/ John T. Cu  
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John T. Cu

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~~PROPOSED~~ ORDER


**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, THE COURT ORDERS AS FOLLOWS:**

Pursuant to a good faith settlement entered into by Plaintiff Ashley Amirhamzeh ("Plaintiff") and Defendant Wells Fargo Bank, N.A. ("WFB"), which settlement is memorialized in a Settlement Agreement and Release executed by Plaintiff and WFB on October 25, 2014, and the Parties Stipulation To Dismiss WFB With Prejudice from this action, WFB is hereby dismissed with prejudice from this action.

The hearing on WFB's Motion to Compel Arbitration And Stay Proceedings, which was set for October 30, 2014, is now vacated. WFB and counsel on its behalf are not required to appear for the Initial Case Management Conference set for October 30, 2014, at 10:00 a.m.

**IT IS SO ORDERED.**

DATED: October 28, 2014

  
\_\_\_\_\_  
Hon. Vince Chhabria  
United States District Judge