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5 *Attorneys for Plaintiff Michael Rossell*

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 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

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 12 MICHAEL ROSSELL, individually and on  
 behalf of a class of similarly situated  
 13 individuals,  
 14 Plaintiff,  
 15 v.  
 16 THE WEATHER CHANNEL, LLC, a  
 Georgia limited liability company,  
 17 Defendant.

Case No. 12-cv-04098-SBA  
**JOINT STIPULATION AND ORDER OF  
 DISMISSAL**  
 CLASS ACTION  
 Complaint Filed: August 2, 2012

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 19 Plaintiff Michael Rossell (“Plaintiff”) and Defendant The Weather Channel, LLC  
 20 (“Defendant”), pursuant to Civil Local Rule 7-12 and Federal Rule of Civil Procedure 41(a), hereby  
 21 stipulate as follows:

- 22 1. On August 2, 2012, Plaintiff filed his Class Action Complaint against Defendant.
- 23 2. On September 17, 2012, pursuant to stipulation by the Parties, the Court entered an  
 24 Order staying this matter until the Federal Communication Commission (“FCC”) ruled on a petition  
 25 that addressed the issue central to this case. (Dkt. 14.)
- 26 3. On November 29, 2012, the FCC ruled on the petition and found that, with  
 27 exceptions, “confirmatory” text messages do not violate the Telephone Consumer Protection Act  
 28 (“TCPA”).

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4. The Parties agree that this matter should now be dismissed.

NOW, THEREFORE, the Parties hereby stipulate and agree that, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, this entire action shall be, and is, dismissed, with each party to bear its own fees and costs.

IT IS SO STIPULATED.

Dated: December 11, 2012

PARISI & HAVENS LLP

s/David C. Parisi  
David C. Parisi

*Attorneys for Plaintiff Michael Rossell*

Dated: December 11, 2012


COOLEY LLP

s/Matthew D. Brown  
Matthew D. Brown

*Attorneys for Defendant  
The Weather Channel, LLC*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 13, 2012

  
Hon. Sandra Brown Armstrong  
United States District Judge

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