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8 *Attorneys for Plaintiff Ron Sager*

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 RON SAGER, individually and on behalf of a
 14 class of similarly situated individuals,

15 Plaintiff,

16 vs.

17 BANK OF AMERICA CORPORATION, a
 Delaware corporation, SOUNDBITE
 18 COMMUNICATIONS, INC., a Delaware
 corporation,

19 Defendants.
 20

Case No. 5:12-cv-00197-RMW

**JOINT STIPULATION AND []
 ORDER FOR DISMISSAL**

CLASS ACTION

Complaint Filed: January 11, 2012

The Honorable Ronald M. Whyte

21 Plaintiff Ron Sager (“Plaintiff”) and Defendants Bank of America Corporation (“Bank of
 22 America”) and SoundBite Communications, Inc. (“SoundBite”) (together, “Defendants”) pursuant
 23 to Civil Local Rule 7-12 and Federal Rule of Civil Procedure 41(a) hereby stipulate as follows:

- 24 1. On January 11, 2012, Plaintiff filed his Class Action Complaint against Defendants.
- 25 2. On February 16, 2012, SoundBite filed a petition with the Federal Communications
 26 Commission (“FCC”) seeking a declaratory ruling that when a subscriber sends a text message
 27 choosing to opt-out of receiving future text messages, and a one-time immediate reply is sent back
 28

1 via text message confirming the opt-out request, that confirmation message is not a violation of the
2 Telephone Consumer Protection Action (“TCPA”).

3 3. On August 8, 2012, pursuant to stipulation by the Parties, the Court entered an Order
4 staying this matter until the FCC ruled on SoundBite’s pending petition. (Dkt. 42.)

5 4. Pursuant to the Court’s August 8 Order, the Parties were to inform the Court of the
6 FCC’s ruling within 15 days of such ruling. (Dkt. 42.)

7 5. On November 29, 2012, the FCC ruled on SoundBite’s petition, granting SoundBite’s
8 request for declaratory ruling, and finding that, with exceptions, “confirmatory” text messages do not
9 violate the TCPA.

10 6. The Parties agree that this matter should now be dismissed.

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

14 IT IS SO STIPULATED.

15 Dated: December 10, 2012

EDELSON MCGUIRE, LLP

SEAN P. REIS

17 /s/ Sean P. Reis

Sean P. Reis

18 *Attorneys for Plaintiff Ron Sager*

19
20 Dated: December 10, 2012

REED SMITH LLP

FELICIA YU

22 /s/ Felicia Yu

Felicia Yu

23 *Attorneys for Defendant*

24 *Bank of America Corporation*

1 Dated: December 10, 2012

COOLEY LLP
MAZDA K. ANTIA

2
3 /s/ Mazda K. Antia
Mazda K. Antia

4 *Attorneys for Defendant*
5 *SoundBite Communications, Inc.*

6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7 Dated: December __, 2012

8
9 
10 Hon. Ronald M. Whyte
United States District Judge