

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 12-cv-01952-WYD-MEH

SETH WARNICK, on behalf of himself and all others similarly situated,

Plaintiffs,

v.

DISH NETWORK L.L.C.,

Defendant.

ORDER AND FINAL JUDGMENT

THIS MATTER is before the Court on the Parties' Stipulation and Motion For Order Regarding Findings of Fact, Conclusions of Law, and Final Entry of Judgment filed on February 17, 2015. The Parties jointly move therein for the Court to make findings of fact and conclusions of law, and for final entry of judgment, based on the Court's September 30, 2014 Order on Summary Judgment (ECF No. 245) and the Parties' stipulations as to certain additional factual issues. Having reviewed the Stipulation and Motion and being fully advised in the premises, it is

ORDERED that the Stipulation and Motion For Order Regarding Findings of Fact, Conclusions of Law, and Final Entry of Judgment (ECF No. 274) is **GRANTED**.

Accordingly, it is

ORDERED that the Final Trial Preparation Conference set on March 11, 2015, at 3:00 p.m. and the trial set to commence on March 23, 2015, are **VACATED**. It is

FURTHER ORDERED that Plaintiff's motions in limine filed on February 9, 2015 (ECF Nos. 269 and 270) are **DENIED AS MOOT**. It is

FURTHER ORDERED that in light of the Parties' Stipulation and all other evidence and arguments submitted by the Parties, I make the following findings of fact and conclusions of law:

1. Defendant DISH Network L.L.C. ("Defendant") violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. ("TCPA") five (5) times by making five (5) payment reminder calls to Plaintiff's cellular telephone number.

It is THEREFORE ORDERED, ADJUDGED, and DECREED that judgment be, and is hereby, entered as follows:

2. Defendant is ordered to pay Plaintiff \$500 per violation of the TCPA, for a total of \$2,500.00. 47 U.S.C. § 227(c)(5)(b).

All relief not expressly granted herein is denied.

Dated: February 18, 2015.

BY THE COURT:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE