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First Premier Bank*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAKIA BRANDON, individually and on behalf of all others similarly situated,

CASE NO. 2:17-cv-00720-JAD-VCF

Plaintiff,

FIRST PREMIER BANK, a foreign corporation,

**STIPULATION AND ORDER TO
DISMISS CASE WITHOUT
PREJUDICE**

ECF No. 9

Plaintiff Takia Brandon (“Plaintiff”) and Defendant First Premier Bank (“First Premier”) (together, the “Parties”) stipulate and agree as follows:

1. On March 24, 2017, Plaintiff filed her complaint. (See ECF No. 1.)

2. The complaint asserts claims on behalf of a putative class for alleged violations of the Telephone Consumer Protection Act in connection with Plaintiff's credit card account (the "Account") with First Premier.

3. Plaintiff's claims in this action are subject to a binding arbitration agreement (the "Arbitration Agreement") contained in the credit card agreement governing Plaintiff's Account, a copy of which is attached hereto as Exhibit A.

4. The Arbitration Agreement contains a class action waiver provision,

which provides, *inter alia*, that: “All claims shall be resolved by binding arbitration on an individual basis. Claims made and remedies sought as part of a class action are subject to arbitration on an individual (non-class, non-representative) basis.”

4 5. Accordingly, the Parties agree to dismiss this matter and permit
5 Plaintiff to submit her individual claims to binding arbitration pursuant to the terms
6 of the Arbitration Agreement.

7 Dated: May 2, 2017.

BALLARD SPAHR LLP

HAINES & KRIEGER, LLC

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ORDER

Based on the parties' stipulation [ECF No. 9] and good cause appearing, IT IS HEREBY ORDERED that **THIS ACTION IS DISMISSED** without prejudice to plaintiff's ability to pursue her claims in arbitration. The Clerk of Court is directed to **CLOSE THIS CASE**.

U.S. District Judge Jennifer Dorsey
5/8/17