

No. 20-15946

IN THE
**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

IGNACIO PEREZ, on behalf of himself and all others similarly
situated,
Plaintiff-Appellee,

v.

RASH CURTIS & ASSOCIATES,
Defendant-Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA
YVONNE GONZALEZ ROGERS, DISTRICT JUDGE • CASE No. 4:16-cv-03396-YGR

**JOINT NOTICE OF SETTLEMENT AND MOTION FOR
STAY OF APPEAL AND LIMITED REMAND**

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**JOINT NOTICE OF SETTLEMENT AND MOTION FOR
STAY OF APPEAL AND LIMITED REMAND**

Defendant-appellant Rash Curtis & Associates and plaintiff-appellee Ignacio Perez informed the Court on August 4, 2021 and again on August 11, 2021, that the parties had reached a settlement agreement in principle, and requested the postponement of oral argument. On August 13, 2021, the Court postponed oral argument on terms that included requiring prompt notification when the settlement agreement had been fully executed.

The contingent settlement agreement was fully executed on August 13, 2021. Accordingly, the parties now jointly move for a stay of appeal and a limited remand to the district court, for the purpose of approving a proposed distribution to the class based on terms of the settlement agreement.

If the district court approves the proposed distribution consistent with the contingencies in the settlement agreement, the agreement will resolve the litigation in its entirety and moot this appeal. The agreement therefore states that Rash Curtis agrees to dismiss the appeal within 5 business days after the Administrator notifies Rash

Curtis's counsel that the Administrator has received the settlement amount.

Rash Curtis and Ignacio Perez request that the Court stay this appeal and remand to the district court for the limited purpose of approving the proposed distribution to the class, *see* Fed. R. App. P.

12.1. Within five business days after the Administrator notifies Rash Curtis's counsel that the Administrator has received the settlement amount, Rash Curtis shall move to dismiss this appeal. Pursuant to the Court's order of August 13, 2021, the parties shall file a joint status report 30 days after the limited remand and every 30 days thereafter until the motion to dismiss this appeal is filed. If the proposed distribution is not approved, Rash Curtis will promptly notify the Court.

August 18, 2021

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