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15 *Attorneys for Defendant Sirius XM Radio Inc.*

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

19 PAUL WRIGHT, individually and on
20 behalf of all others similarly situated,

21 Plaintiff,

22 v.

23 SIRIUS XM RADIO INC.,

24 Defendant.

Case No. 8:16-cv-01688-JVS-JCG

**ORDER GRANTING SIRIUS
XM'S MOTION TO DISMISS
THE COMPLAINT AND
COMPEL COMPLIANCE WITH
DISPUTE RESOLUTION
PROCEDURES IN THE
PARTIES' AGREEMENT**

Hearing Date: April 24, 2017
Hearing Time: 1:30 p.m.
Courtroom: 10C

Complaint Filed: Sept. 12, 2016

1 Defendant Sirius XM Radio Inc.'s ("SiriusXM") Motion to Dismiss and
2 Compel Compliance with Dispute Resolution Procedures in the Parties' Agreement
3 came on for hearing on April 24, 2016 at 1:30 pm, in Courtroom 10C of this Court,
4 the Hon. James V. Selna presiding. Appearances of counsel were made on the
5 record.


6 Having read and considered the supporting and opposition points and
7 authorities, including the parties' supplemental briefing, having considered
8 arguments of counsel, and good cause appearing therefore, the Court hereby orders
9 and adjudges that SiriusXM's Motion to Dismiss the Complaint and Compel
10 Compliance with Dispute Resolution Procedures in the Parties' Agreement, dated
11 November 14, 2016, is GRANTED.

12 IT IS FURTHER ORDERED that the Complaint is dismissed in its entirety
13 without prejudice in order to eliminate any adverse effects of such a dismissal on
14 any arbitration that Wright may choose to pursue. The Court also denies Wright
15 leave to amend and add additional named class representatives. The reasons for the
16 Court's conclusions are set forth in the Court's opinion dated June 1, 2017.

17 IT IS FURTHER ORDERED that, to the extent Plaintiff intends to pursue
18 this matter through arbitration, Plaintiff is directed to first try to resolve this dispute
19 through the informal dispute resolution procedure required by the parties' contract,
20 and in the event such informal dispute resolution procedure fails to resolve this
21 case, Plaintiff is directed either (a) to arbitrate his individual claim against
22 SiriusXM before the American Arbitration Association or (b) to pursue that claim
23 in small claims court.

24 **IT IS SO ORDERED.**

25
26 Dated: June 15, 2017


HON. JAMES V. SELNA
United States District Judge