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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CHARLES BEARD,
Plaintiff,

CASE NO. 1:11-cv-01815-LJO-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS ON DEFENDANT’S
MOTION TO COMPEL ARBITRATION
AND TO STAY ACTION**

vs.

(Doc. 34)

SANTANDER CONSUMER USA, INC. and
TRIAD FINANCIAL CORPORATION ,
Defendants.

Defendants Santander Consumer USA and Triad Financial Corporation (“Defendants”) filed a Motion to Compel Individual Arbitration and to Stay Action on January 17, 2012. (Doc. 18).¹ On February 24, 2012, Plaintiff Charles Beard filed his opposition to Defendants’ motion. (Doc. 27). On March 9, 2012, Defendants filed their reply to Plaintiff’s opposition. (Doc. 28).

On April 16, 2012, the Magistrate Judge issued Findings and Recommendations that the Motion to Compel Individual Arbitration and to Stay this Action be GRANTED. (Doc. 34). The Findings and Recommendations were served on all parties and contained notice that any objections were to be filed

¹ The matter was referred to United States Magistrate Judge Barbara A. McAuliffe pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 within fifteen (15) days of the date of service.

2 On May 1, 2012, Plaintiff Charles Beard filed his objections to the Magistrate Judge's Findings
3 and Recommendations. (Doc. 36). The objections chiefly addressed the merits of plaintiffs' claims
4 rather than whether they are subject to arbitration.

5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de*
6 *novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's objections, the
7 Court finds that the Findings and Recommendations are supported by the record and proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendations issued April 16, 2012, are ADOPTED IN FULL;
- 10 2. Defendants' Motion to Compel Individual Arbitration and to Stay Action is GRANTED;
- 11 3. Plaintiff is ordered to participate in arbitration with Defendants;
- 12 4. This case is stayed during the pendency of arbitration as to Defendants;
- 13 5. The parties are to file joint status reports every 120 days, starting September 4, 2012, to
14 address the status of arbitration; and
- 15 6. Upon completion of arbitration, the parties are ordered to inform this Court forthwith,
16 move to lift the stay, and file appropriate documents for the completion or continuation
17 of this case.

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IT IS SO ORDERED.

Dated: May 2, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE