1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 8 EASTERN DISTRICT OF CALIFORNIA 9 STEFANI STACY, 1: 12-cv-00851-LJO-BAM 10 Plaintiff, ORDER ADOPTING FINDINGS AND 11 RECOMMENDATIONS ON **DEFENDANTS' MOTION TO COMPEL** v. 12 ARBITRATION BRINKER RESTAURANT 13 CORPORATION, et al., 14 Defendants. 15 16 On October 18, 2012, the Magistrate Judge issued Findings and Recommendations that 17 Defendants' Motion to Compel Arbitration and Stay Proceedings be granted. (Doc. 22.) The 18 Findings and Recommendations also recommended an unconscionable attorneys' fees clause in Defendants' arbitration agreement be severed. Id. These Findings and Recommendations 19 20 contained notice that any objections to the Findings and Recommendations were to be filed 21 within fifteen (15) days. To date, no objections have been filed. 22 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted 23 a de novo review of the case. Having carefully reviewed the entire file, the Court finds that the 24 Findings and Recommendations are supported by the record and proper analysis. 25 Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendations issued on October 18, 2012, are ADOPTED IN FULL. The Court orders as follows: 26 27 28

1	1.	In the fifth sentence of the fourth paragraph of Defendants' arbitration agreement ¹
2		the following clause will be severed: "at his or her own expense";
3	2.	The remainder of the arbitration agreement will be enforced;
4	3.	Defendant's Motion to Compel Arbitration be GRANTED ;
5	4.	The Court STAYS this Action pending the outcome of arbitration;
6	5.	The parties, no later than March 11, 2013 and every 120 days thereafter, will file
7		joint status reports to address progress of arbitration, resolution of the parties'
8		claims, and the need to continue stay of this action;
9	6.	Upon completion of arbitration, the parties are ordered to inform this Court
10		forthwith, move to lift the stay, and file appropriate documents for the completion
11		or continuation of this case; and
12	7.	The Court DENIES Defendants' Motion to Dismiss as Moot.
13	IT IS SO ORI	DERED.
14	Dated: No	vember 9, 2012 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE
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¹ See Declaration of Michael Christian, Doc. 12, Ex. A.