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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANAMIRIA MADRIGAL, individually
and doing business as Atzek
Cellular, a sole proprietorship;
and ATZEK CELLULAR, INC.

Plaintiffs,

v.

NEW CINGULAR WIRELESS SERVICES,
INC., a Corporation; and AT&T
MOBILITY, LLC, a Corporation

Defendants.

09-CV-00033-OWW-SKO

ORDER TO SHOW CAUSE

12 On August 17, 2009, the Court issued a Memorandum Decision and
13 Order which, consistent with the terms of their arbitration
14 agreement, ordered Plaintiffs and Defendants to arbitrate their
15 disputes over the scope and validity of their arbitration
16 agreement. (Doc. 30.) Subsequently, Plaintiffs filed a petition
17 for writ of mandamus to the Ninth Circuit. On December 10, 2009,
18 the Ninth Circuit denied the writ "without prejudice to the filing
19 of a motion to reconsider with the district court in light of
20 *Jackson v. Rent-A-Center West, Inc.*, 581 F.3d 912 (9th Cir. 2009),"
21 a new Ninth Circuit case. (Doc. 33 at 1.) *Jackson* was issued in
22 September 2009, a few weeks after the Memorandum Decision and
23 Order.

24 On December 31, 2009, Plaintiffs filed a motion for
25 reconsideration in light of *Jackson*. (Doc. 34.) Defendants filed
26 an opposition (Doc. 39) to which Plaintiffs replied (Doc. 42). The
27 briefing on the motion focuses heavily on the *Jackson* decision.

28 On January 15, 2010, after Plaintiffs filed their motion for

1 reconsideration, the Supreme Court granted certiorari in *Jackson*.
2 See *Rent-A-Center, West, Inc. v. Jackson*, 130 S. Ct. 1133 (2010).
3 The grant of certiorari set a briefing schedule requiring
4 petitioner's opening brief to be filed on or before February 25,
5 2010, and respondent's brief to be filed on or before March 25,
6 2010. *Id.* Any reply brief was ordered to be filed in accordance
7 with Supreme Court rules. *Id.* Petitioner filed a reply brief on
8 April 16, 2010. See 2010 WL 1554408. According to the Supreme
9 Court's website, oral argument in *Jackson* is scheduled for April
10 26, 2010.¹

11 Given the status of *Jackson*, the parties are ordered to show
12 cause, in writing, by 12:00 p.m. on April 27, 2010, why the hearing
13 on the motion for reconsideration (currently set for May 3, 2010)
14 should not be continued pending the Supreme Court's decision in
15 *Jackson*.

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18 IT IS SO ORDERED.

19 Dated: April 22, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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27 ¹ The argument calendar can be found by clicking on the "Oral
28 Arguments" tab on the Supreme Court's website:
<http://www.supremecourt.gov/>