

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DONOVIN LAST, *an individual, on behalf of himself and all others similarly situated,*  
  
Plaintiff,  
  
v.  
  
M-I, L.L.C.,  
  
Defendant.

Case No. 1:20-cv-01205-KES-EPG  
  
ORDER GRANTING PLAINTIFF’S  
REQUEST FOR A STAY  
  
(ECF No. 92).

On February 12, 2024, District Judge Dale A. Drozd issued an order granting Defendant’s motion to compel arbitration pursuant to the Federal Arbitration Act, and staying this case pending arbitration until July 15, 2024, “unless new authority requires that the stay be extended for so long as the arbitration proceedings are ongoing.” (ECF No. 90 at 22). On May 22, 2024, Plaintiff filed a request for a stay, citing a recently issued Supreme Court decision, *Smith v. Spizzirri*, 144 S.Ct. 1173 (May 16, 2024). (ECF No. 92). In *Spizzirri*, the Supreme Court held that “[w]hen a district court finds that a lawsuit involves an arbitrable dispute, and a party requests a stay pending arbitration, § 3 of the FAA compels the court to stay the proceeding.” 144 S.Ct at 1178. Defendant has not filed an opposition to Plaintiff’s request.

\\\

\\\

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In light of this new authority, Plaintiff's request for a stay (ECF No. 92) is GRANTED. This case shall remain stayed pending arbitration proceedings. The parties shall file a joint status report regarding the status of arbitration within ninety (90) days of this order.

IT IS SO ORDERED.

Dated: June 6, 2024

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE