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

KATHLEEN SEIFERT,

Plaintiff,

No. CIV S-08-998 GEB KJM PS

vs.

RICHARD WERNER,

Defendant.

ORDER

_____ /

This matter was stayed and ordered to arbitration. Plaintiff now seeks appointment of an arbitrator. It is apparent from the record in this case that defendant is complicating the litigation of this matter unnecessarily. Although defendant is proceeding pro se, he demands, in an unsigned filing, that plaintiff serve him only by regular mail and seeks a court order directing plaintiff's counsel to correspond with defendant's assistant. There are no provisions in the Federal Rules of Civil Procedure requiring service only by regular mail. If plaintiff's counsel seeks proof of service by certified mail, then he is entitled to so proceed. Because defendant is proceeding pro se, correspondence between plaintiff's counsel and defendant is perfectly appropriate and there is no requirement for plaintiff's counsel to litigate this matter through defendant's assistant.

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It appears that court intervention is necessary for selection of a neutral arbitrator. Plaintiff has submitted a list of proposed arbitrators. Defendant will be allowed an opportunity to propose an alternative list. Thereafter, the court will select five names from the combined lists and the parties shall select a name from the court-nominated panel and proceed to arbitration.

Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days, defendant shall submit a list of proposed arbitrators.
2. The matter shall then stand submitted.

DATED: August 24, 2009.


U.S. MAGISTRATE JUDGE