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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RYAN MATHIAS, individually,
and on behalf of other
members of the general
public similarly situated,
as an aggrieved employee
pursuant to the Private
Attorney General Act ("PAGA"),

Plaintiff,

CIV. NO. S-10-1476 LKK/KJM

v.

RENT-A-CENTER, INC., a
Delaware Corporation; and
DOES 1 through 10, inclusive,

O R D E R

Defendants.

_____/

Plaintiff in the above captioned case brings class wage and
hour claims against his former employer. On September 15, 2010, the
court denied defendant's motion to compel arbitration on the
grounds that the class action clause in the arbitration agreement
is unenforceable under California law. Defendant appealed this
order to the Ninth Circuit. On October 28, 2010, the court denied
defendant's motion for a stay pending appeal on the grounds that
the balance of hardships did not tip sharply in defendant's favor.
It did, however, grant a limited stay so that defendant may seek

1 a further stay from the Ninth Circuit. Defendant sought such a stay
2 and the Circuit granted a limited stay of appellate proceedings
3 pending resolution of AT&T Mobility v. Concepcion, 130 S.Ct 3322
4 (2010). The Circuit did not stay proceedings before the district
5 court. On April 27, 2011, the Supreme Court issued an opinion in
6 Concepcion deciding that California law finding that some class
7 action waivers in consumer arbitration agreements are
8 unconscionable is preempted by the Federal Arbitration Act. This
9 decision raises a very serious question of whether California law
10 finding some class action waivers in employment arbitration
11 agreements to be unenforceable as unconscionable or as
12 unenforceable under the so-called Gentry¹ factors may also be
13 preempted.

14 For the foregoing reasons, the court ORDERS as follows:

- 15 (1) In light of the Court's recent ruling, all proceedings
16 in the above captioned case are STAYED.
- 17 (2) The status conference set for May 16, 2011 is VACATED.
- 18 (3) The Clerk of Court is instructed to ADMINISTRATIVELY
19 CLOSE this case. Plaintiff shall inform the court to re-
20 open this case within fourteen (14) days of a final
21 decision on defendant's appeal.

22 IT IS SO ORDERED.

23 DATED: May 12, 2011.

24 
25 LAWRENCE K. KARLTON
26 SENIOR JUDGE
UNITED STATES DISTRICT COURT

26 ¹ Gentry v. Super. Ct., 42 Cal. 4th 443 (2007).