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

ALEX PHILO,	)	
	)	2:11-cv-03135-GEB-KJN
Plaintiff,	)	
	)	
v.	)	<u>ORDER GRANTING PLAINTIFF'S</u>
	)	<u>MOTION TO STAY PROCEEDINGS;</u>
GAMESTOP CORP.; GAMESTOP, INC.,	)	<u>AND DEEMING WITHDRAWN</u>
	)	<u>DEFENDANTS' MOTION TO COMPEL</u>
Defendants.	)	<u>ARBITRATION</u>
_____	)	

Plaintiff seeks a stay in this case pending resolution of an unfair labor practices charge he filed with the National Labor Relations Board ("NLRB") on March 20, 2012. Plaintiff argues the NLRB's adjudication of the charge will bear directly on Defendants' pending motion to compel arbitration. Defendants did not file an opposition brief or statement of opposition as required by Local Rule 230(c).


"Since [Defendants] do[] not object to [Plaintiff's] request for stay, [Plaintiff's] motion is granted." Armstrong v. A.C. & S., Inc., 649 F. Supp. 161, 162 (W.D. Wash. 1986); see Order Setting Status (Pretrial Scheduling) Conference ¶ 10, Nov. 28, 2011 (ECF No. 4) ("The failure to file an opposition or statement of non-opposition in accordance with Local Rule 230(c) may be deemed consent to the granting of the motion[.]").

Therefore, this case is stayed during the NLRB's adjudication of Plaintiff's unfair labor practices charge. The parties shall file a

1 joint status report no later than ten (10) days after the NLRB enters a  
2 final decision.

3 Further, since Plaintiff argues in his motion to stay that  
4 Defendants' motion to compel arbitration should not be decided until the  
5 NLRB has adjudicated Plaintiff's unfair labor practices charge, and  
6 Defendants fail to oppose Plaintiff's motion, Defendants' motion to  
7 compel arbitration is deemed withdrawn.

8 Dated: May 24, 2012

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12 GARLAND E. BURRELL, JR.  
13 United States District Judge  
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