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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSSELL SIGLER, INC., a New
Mexico corporation,

Plaintiff,

v.

DONG MIN, an individual; and
DOES 1 through 10, inclusive,

Defendants.

No. CIV. S-13-1323 LKK/AC

ORDER

This matter came on for hearing on January 13, 2014 on defendant Min's motion to stay the case pending the completion of arbitration. At the hearing, it appeared that although the parties agree that there is an arbitration agreement, they are not in agreement about which document contains the arbitration agreement.¹

Accordingly, the parties shall brief whether it is the court or the arbitrator who decides what is the content of the

¹ Meanwhile, plaintiff Sigler, which filed this lawsuit seeking to compel arbitration, has now confirmed that it has abandoned that claim. However, Min appears to have a continuing right to file a request to stay this proceeding pursuant to a mandatory arbitration agreement.

1 arbitration agreement, insofar as it governs who the arbitrator
2 will be.

3 Defendant Min shall file his opening brief no later than
4 January 23, 2014 at 4:30 p.m. Plaintiff Sigler shall file his
5 responsive brief no later than February 3, 2014 at 4:30 p.m.
6 Defendant Min shall file his reply brief no later than February
7 10, 2014. No brief shall exceed fifteen (15) pages in length,
8 apart from exhibits. Both sides shall submit with their
9 respective opening brief, the complete document which that party
10 says contains the arbitration agreement. The motion shall then
11 be taken under submission.

12 Pending resolution of this motion, this case is **STAYED**.
13 Accordingly, (1) the Status (Pretrial Scheduling) Conference
14 currently set for January 21, 2014 is **VACATED**, and (2) the
15 deadline for initial disclosures is also **VACATED**.

16 IT IS SO ORDERED.

17 DATED: January 13, 2014.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT