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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SABRINA SMITH,

Plaintiff,

v.

H.F.D. NO. 55, INC., dba J. CREW, a
California corporation; and DOES 1 to 100,
inclusive,

Defendant.

No. 2:15-cv-01293-KJM-KJN

ORDER

On September 3, 2015, the court held a hearing on defendant H.F.D. No. 55, Inc.'s motion to compel arbitration. On September 29, 2015, plaintiff gave notice a Ninth Circuit panel had issued its opinion in *Sakkab v. Luxottica Retail North America, Inc.*, 803 F.3d 425 (9th Cir. 2015). On October 20, 2015, defendant gave notice the circuit court had granted the appellant an extension of time to respond to the petition for a rehearing en banc in that case. Appellant's response was filed on January 15, 2016.

Because resolution of the issue before the *Sakkab* court directly concerns that before this court, this case is temporarily STAYED pending the circuit court's decision whether to grant the petition for a rehearing en banc, and in the event the petition is granted, pending issuance of an en banc opinion. See *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he

1 power to stay proceedings is incidental to the power inherent in every court to control the
2 disposition of the causes on its docket with economy of time and effort for itself, for counsel, and
3 for litigants.”).

4 The parties shall notify the court within seven days of any decision in *Sakkab*.

5 IT IS SO ORDERED.

6 DATED: February 2, 2016.

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UNITED STATES DISTRICT JUDGE