

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN K. NYGAARD,

Plaintiff,

v.

PROPERTY DAMAGE APPRAISERS,
INC.,

Defendant.

Case No. 16-cv-02184-VC

**ORDER GRANTING IN PART
MOTION TO STAY PENDING APPEAL**

Re: Dkt. No. 35

Property Damage Appraisers' motion to stay this litigation pending appeal is granted in large part. Substantive motion practice and discovery that would take place only if the case were litigated in court rather than in an arbitration proceeding are stayed pending resolution of PDA's appeal before the Ninth Circuit. The parties should, however, proceed with discovery to the extent that discovery could be conducted in association with arbitration. *See Mohamed v. Uber Techs.*, 115 F. Supp. 3d 1024, 1033 (N.D. Cal. 2015). In the event the Ninth Circuit upholds this Court's order denying PDA's motion to compel arbitration, a schedule will be set that assumes the parties were diligent about conducting this discovery.

In light of this order, Thursday's case management conference and the hearing on PDA's motion are vacated.

IT IS SO ORDERED.

Dated: February 13, 2018



VINCE CHHABRIA
United States District Judge