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United States District Court  
For the Northern District of California

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

UNITED VAN LINES, LLC,

No. C-08-4635 MMC

Plaintiff,

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS'  
MOTION TO DISMISS OR STAY CASE  
PENDING ARBITRATION**

v.

JEFFREY W. EDWARDS, et al.,

Defendants.

The Motion to Dismiss or Stay Case Pending Arbitration, filed December 5, 2008 by defendants Jeffrey W. Edwards and Lisa Edwards (collectively, "the Edwards") came on regularly for hearing before the Court on January 9, 2009. Yen P. Chau appeared on behalf of the Edwards. Paul D. Smith appeared on behalf of plaintiff United Van Lines, LLC. Having read and considered the papers filed in support of and in opposition to the motion and the arguments of counsel, and for the reasons stated on the record at the hearing, the motion is hereby GRANTED in part and DENIED in part, as follows:

1. To the extent the Edwards seek dismissal of the instant action, the motion is DENIED.
2. To the extent the Edwards seek a stay of the action pending arbitration, the Court construes the motion as both a motion to stay and a petition to compel arbitration. So construed, the motion is GRANTED.

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3. The parties are ORDERED to proceed to mediation, in accordance with their stipulation filed December 19, 2008.

4. The parties are ORDERED to proceed, at the conclusion of the above-referenced mediation process, to arbitration of the dispute at issue.

5. The action is STAYED pending completion of the arbitration proceedings, with the exception that the stay shall not apply to the above-referenced mediation process.

**IT IS SO ORDERED.**

Dated: January 12, 2009

  
MAXINE M. CHESNEY  
United States District Judge