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

THOMAS ZABROWSKI and VANESSA  
BALDINI, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

MHN GOVERNMENT SERVICES, INC. and  
MANAGED HEALTH NETWORK, INC.,

Defendants.

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No. C 12-05109 SI

**ORDER REGARDING SCHEDULE FOR  
MOTION TO COMPEL ARBITRATION**

Plaintiffs filed a motion to compel arbitration on November 1, 2012. On November 5, 2012, Cindy Hiatt et al. filed a motion to intervene and a motion to shorten time so that the motion to intervene could be heard on November 16, 2012. The plaintiffs and defendants each filed a response to the motion to intervene. Thereafter, however, putative interveners withdrew their motion to intervene.

In light of these events, the Court will allow the parties more time to respond to the motion to compel arbitration. Plaintiffs are ORDERED to respond to defendants' motion to compel arbitration by **December 21, 2012**, and defendants are ORDERED to reply to plaintiffs' opposition by **January 11, 2013**. The hearing on the motion to compel arbitration is now scheduled for **January 25, 2013**.

In granting the parties more time, the Court requests that the briefing include more information on the status the two related suits in Washington. In particular, the Court would like the briefing to clarify whether, under the first-to-file rule or comity doctrine, the Court should not decline to adjudicate the arbitration issue when it is already properly before the Western District of Washington. *See Church*

1 *of Scientology of California v. U.S. Dept. of Army*, 611 F.2d 738, 749 (9th Cir. 1979).

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3 **IT IS SO ORDERED.**

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5 Dated: November 14, 2012

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SUSAN ILLSTON  
United States District Judge