

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

EDWARD CASTILLO, individually
and on behalf of all other similar
situated persons, on behalf of the
People of the State of California, and
on behalf of the California Labor and
Workforce Development Agency,

Plaintiffs,

v.

LOWE'S HIW, INC., and DOES 1
through 20,

Defendants.

NO. C13-4590 TEH

ORDER RE: HEARING ON
MOTION TO COMPEL
ARBITRATION AND TO
DISMISS CLASS AND
REPRESENTATIVE CLAIMS

The parties shall be prepared to address the questions below, with specific citations to the record and relevant authorities if appropriate, at the November 25, 2013 hearing on Defendant's motion to compel arbitration and to dismiss class and representative claims.

QUESTIONS FOR COUNSEL

For Both Parties

1. If the Court were to find that there is a genuine dispute of material fact as to whether Plaintiff signed the "Agreement to Arbitrate Disputes" ("Arbitration Agreement") (Docket Nos. 9-1, 16-1, 28), what procedure should the Court employ to resolve it?

For Plaintiff

2. Plaintiff averred under penalty of perjury that he did not sign the Arbitration Agreement. (Docket No. 16-1.)

A. Does Plaintiff concede that he signed any of the arbitration agreements that are attached to the Supplemental Declaration of Elizabeth Panora? (Docket No. 24, Exs. 1-4)?

B. If so, which agreements did Plaintiff sign?

For Defendant

3. Where in the record does the “attached Agreement to Arbitrate Disputes” referenced in Exhibit C to the Supplemental Panora Declaration appear? (*See* Docket No. 24-3.)


A. Is the “attached Agreement to Arbitrate Disputes” referenced at Docket No. 24-3 the Arbitration Agreement at Docket No. 9-1?

B. Is the “Agreement to Arbitrate Disputes” at Docket No. 24-4 the same Arbitration Agreement document that appears at Docket No. 9-1?

4. What is Defendant’s response to Plaintiff’s assertion that Defendant never provided him with a copy of the American Arbitration Association rules?

IT IS SO ORDERED.

Dated: 11/21/13



 THELTON E. HENDERSON, JUDGE
 UNITED STATES DISTRICT COURT