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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SALVADOR VARGAS,
Plaintiff,

v.

DELIVERY OUTSOURCING, LLC, et al.,
Defendants.

Case No. 15-cv-03408-JST

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING**

Before the Court is Defendant Delivery Outsourcing, LLC's Motion to Compel Arbitration. ECF No. 19. The Court has reviewed the Defendant's motion and Plaintiff Salvador Vargas' opposition. In order to determine whether the applicable contract is exempt under Section 1 of the Federal Arbitration Act, the Court now orders the parties to submit supplemental briefing on the following topics:

1. Does Plaintiff Vargas qualify as an employee? Counsel are directed to address In re Van Dusen, 654 F.3d 838 (9th Cir. 2011), and Aviles v. Quik Pick Express, LLC, No. CV-15-5214-MWF (AGR), 2015 WL 9810998 (C.D. Cal. Dec. 3, 2015), in their discussion of Plaintiff's employment status.

2. Was Plaintiff Vargas "engaged in foreign or interstate commerce?" See 9 U.S.C. § 1; see also Circuit City Stores, Inc. v. Adams, 532 U.S. 105 (2001).

Defendant will address these topics and respond to Plaintiff's opposition in its reply brief. Defendant's reply brief is not to exceed 25 pages and is due by February 11, 2016. Plaintiff will submit a sur-reply addressing only these topics. The sur-reply is not to exceed 10 pages and is due by February 18, 2016. The Court particularly seeks factually analogous, relevant authorities. The parties may also submit additional extrinsic evidence to support their arguments regarding Plaintiff's employment status.

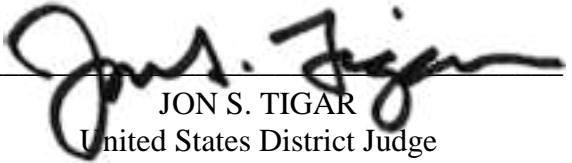
United States District Court
Northern District of California

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The hearing on this matter, currently scheduled for February 25, 2016 at 2:00 p.m. is hereby continued to March 10, 2016 at 2:00 p.m.

IT IS SO ORDERED.

Dated: January 28, 2016



JON S. TIGAR
United States District Judge