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

EVELYN LACHAPELLE,
Plaintiff,
v.
OMNI HOTELS MANAGEMENT
CORPORATION,
Defendant.

Case No. 21-cv-00490-MMC

**ORDER AFFORDING PARTIES
LEAVE TO FILE SUPPLEMENTAL
BRIEFING; VACATING APRIL 30,
2021 HEARING ON DEFENDANT'S
MOTION TO COMPEL ARBITRATION**

Before the Court is defendant Omni Hotels Management Corporation's Motion to Compel Arbitration, filed March 24, 2021. Plaintiff Evelyn Lachapelle has filed opposition, to which defendant has replied. Having read and considered the parties' respective written submissions, the Court hereby VACATES the hearing scheduled for April 30, 2021, and will afford the parties leave to file supplemental briefing, as discussed below.

In opposing the motion, plaintiff argues the arbitration agreement is illusory, and thus unenforceable, in light of a provision therein allowing defendant to unilaterally modify or revoke the agreement. Although both parties have cited to cases on which they respectively rely, the Court has located additional authority that appears to bear on the issue, specifically, Peleg v. Neiman Marcus Group, Inc., 204 Cal. App. 4th 1425 (2012), and will afford the parties leave to file supplemental briefing to address that case.

Accordingly, each of the parties is hereby afforded leave to file, no later than May 7, 2021, a supplemental brief, not to exceed five pages in length, addressing the above-referenced authority, as well as any other authority not previously discussed in the parties' respective briefing that may bear on the above-referenced issue.

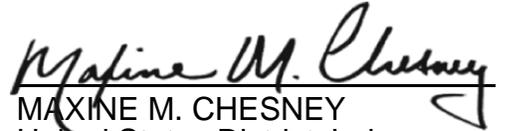
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As of May 7, 2021, the Court, unless the parties are otherwise advised, will take defendant's motion under submission.

IT IS SO ORDERED.

Dated: April 26, 2021


MAXINE M. CHESNEY
United States District Judge