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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRIS DITTENHAFER,

Plaintiff,

v.

CITIGROUP,

Defendant.

No. C 10-1779 PJH

**ORDER DENYING MOTION TO STAY
ORDER COMPELLING ARBITRATION**

United States District Court
For the Northern District of California

Before the court is the motion of plaintiff Chris Dittenhafer for an order staying the court's August 2, 2010 order compelling arbitration, pending appeal. Defendant Citigroup opposes the motion. Having read the papers filed in this case and in the pending appeal, the court finds that the motion must be DENIED.

The day before filing the present motion with this court, plaintiff filed an identical motion with the Ninth Circuit, which denied it on November 15, 2011, citing Hilton v. Braunskill, 481 U.S. 770, 776 (1987); California Pharmacists Ass'n v. Maxwell-Jolly, 563 F.3d 847, 849-50 (9th Cir. 2009). Accordingly, the Ninth Circuit having ruled on this matter, there remains nothing for this court to decide.

IT IS SO ORDERED.

Dated: November 16, 2011



PHYLLIS J. HAMILTON
United States District Judge