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United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ZACHARY MORVANT, JEAN ANDREWS,
individually and on behalf of all others
similarly situated,

 Plaintiffs,

 vs.

P.F. CHANG’S CHINA BISTRO, INC., P.F.
CHANG’S III, LLC, and DOES 1 through
100, inclusive,

 Defendants.

Case No.: 11-CV-5405 YGR

**ORDER REQUESTING SUPPLEMENTAL
BRIEFING ON MOTION TO COMPEL
ARBITRATION**

The Court heard argument on Defendants’ Motion to Compel Arbitration on February 28, 2012. Having considered the arguments and having given further consideration to the recent decision of the National Labor Relations Board (“NLRB”), *In re D.R. Horton, Inc.* 357 NLRB No. 184 (January 3, 2012), the Court ORDERS the parties to submit supplemental briefing on the *legal analysis* articulated in the NLRB’s decision therein. Specifically, the parties should address whether an exception to the enforceability of an arbitration agreement in section 2 of the Federal Arbitration Act exists where an agreement would require employees to waive their right to class litigation or arbitration, because such an agreement would be illegal and unenforceable under federal labor law,

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including the National Labor Relations Act, 29 U.S.C. §157, and the Norris-LaGuardia Act, 29 U.S.C. §101 *et seq.*

The parties shall simultaneously file and serve opening supplemental briefs of no more than seven pages no later than **March 16, 2012**. The parties may file and serve responsive supplemental briefs of no more than four pages no later than **March 23, 2012**.

IT IS SO ORDERED.

March 9, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE