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14 MANUEL RUBIO, et al.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 MANUEL RUBIO, et al.)
19)
20 Plaintiffs,)
21 vs.)
22)
23 FRY'S ELECTRONICS, INC., et al.)
24 Defendants.)

Case No.: C 08-01799-RMW

XXXXXXXXXXXXXXXXX ORDER TO STAY
PROCEEDINGS AND ARBITRATE
ALL CLAIMS

1 Upon the stipulation of the parties, it is hereby ordered that these
2 proceedings are stayed in order for Plaintiffs' individual and class claims to be
3 submitted to binding arbitration in accordance with the following terms::
4

- 5 1. Arbitration will be conducted by one JAMS retired judge to be
6 agreed-upon by the parties, who possesses experience presiding
7 over wage and hour class action cases;
- 8 2. Arbitration fees will be paid by Fry's Electronics, Inc.;
- 9 3. Arbitration under JAMS Class Action Procedures and/or rules or
10 procedures agreed to by the parties;
- 11 4. The Arbitrator shall have the authority to order discovery as it
12 deems necessary including depositions, interrogatories, or
13 document productions. The Arbitrator shall also have the
14 authority to rule on discovery disputes and/or motions;
- 15 5. Fry's does not contend that the arbitration agreements of the
16 named plaintiffs prohibit arbitration on a class basis if it is
17 ultimately determined that the plaintiffs have met their burden of
18 demonstrating the appropriateness of class certification in
19 accordance with all applicable standards; and
- 20 6. Arbitration venue in Santa Clara County, California.

21
22 **IT IS SO ORDERED.**

23
24 Dated: 9/23 , 2008

Ronald M. Whyte

Hon. Judge Ronald M. Whyte
UNITED STATES DISTRICT JUDGE