

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

JAIME ECHEVARRIA,  
Plaintiff,  
v.  
AEROTEK, INC.,  
Defendant.

Case No. 16-cv-04041-BLF

**ORDER GRANTING DEFENDANT'S  
MOTION TO STAY ALL  
PROCEEDINGS PENDING APPEAL**

[Re: ECF 49]


On January 3, 2017, this Court issued an order denying Defendant Aerotek, Inc.'s Motion to Compel Individual Arbitration, Dismiss Class Claims, and Stay PAGA Claim. *See* ECF 42. The Court's ruling turned on its application of *Morris v. Ernst & Young, LLP*, 834 F.3d 975 (9th Cir. 2016). On January 13, 2017, the Supreme Court granted *certiorari* with respect to *Morris*. *See Ernst & Young v. Morris*, 137 S. Ct. 809 (2017).

Aerotek appealed this Court's order, *see* ECF 46, moved this Court to stay all proceedings in this case pending disposition of its appeal, *see* ECF 49, and moved the Ninth Circuit to stay appellate proceedings pending the Supreme Court's resolution of *Morris*, *see* ECF 67. The Ninth Circuit granted the latter motion, ordering that "[t]his case is stayed until October 10, 2017." Ninth Circuit Order, ECF 67. The Ninth Circuit directed that, on or before that date, Aerotek must "file the opening brief or file a motion addressing the status of the *Morris* case and requesting continuance of the stay or appropriate relief." *Id.*

To the extent that the Ninth Circuit's order does not stay proceedings in this Court, Aerotek's motion to stay all proceedings pending appeal is GRANTED. As the Ninth Circuit's stay order reflects, whether Plaintiff Jaime Echevarria may proceed with his class claims in this action turns squarely on the outcome of the Supreme Court's review of *Morris*.

**IT IS SO ORDERED.**

Dated: April 3, 2017

  
BETH LABSON FREEMAN  
United States District Judge