

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-01917-WJM-KMT

KRYSTLE BERNAL, and
AMANDA KROL, on behalf of themselves and all similarly situated individuals,

Plaintiffs,

v.

GEORGE BURNETT, an individual,
WILLIAM OJILE, an individual,
ALTA COLLEGES, INC., a Delaware corporation,
WESTWOOD COLLEGE, INC., a Colorado corporation,
TRAV CORPORATION, a Colorado corporation d/b/a Westwood College and
Westwood College Online,
GRANT CORPORATION, a Colorado corporation d/b/a Westwood College,
WESGRAY CORPORATION, a Colorado corporation d/b/a Westwood College,
EL NELL, INC., a Colorado corporation d/b/a Westwood College,
PARIS MANAGEMENT COMPANY, a Delaware corporation d/b/a Redstone College,
ELBERT, INC., a Colorado corporation d/b/a Westwood College, and
BOUNTY ISLAND CORPORATION, a Delaware corporation formerly d/b/a Redstone
College,

Defendants.

**ORDER FOR PARTIES TO SUBMIT BRIEFS REGARDING THE IMPACT OF *AT&T
MOBILITY LLC V. CONCEPCION*, NO. 09-893 (U.S. April 27, 2011), ON PENDING
MOTION TO COMPEL INDIVIDUAL ARBITRATION**

On August 24, 2010, Defendants filed a Motion to Compel Individual Arbitration asking the Court to compel each Plaintiff to individual arbitration based on the arbitration clause contained in the Plaintiffs' enrollment documents. (ECF No. 15.) The Motion to Compel Individual Arbitration is set for oral argument on May 24, 2011. (ECF No. 59.)

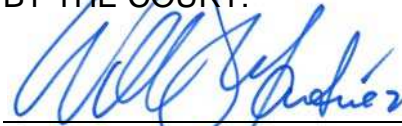
On April 27, 2011, the United States Supreme Court decided *AT&T Mobility LLC*

v. Concepción, No. 09-893 (U.S. April 27, 2011) holding that the Federal Arbitration Act preempted California's judicially-created rule regarding the unconscionability of class arbitration waivers in consumer contracts. Having reviewed Defendants' Motion to Compel Individual Arbitration and the subsequent filings submitted by both parties, the Court finds that the *Concepción* decision may impact resolution of this Motion.

Accordingly, the parties are ORDERED to submit simultaneous briefs on *Concepción's* impact on the issues raised by Defendants' Motion to Compel Individual Arbitration. These supplemental briefs shall be filed no later than **May 19, 2011**. No response or reply briefs will be permitted.

Dated this 6th day of May, 2011.

BY THE COURT:



William J. Martínez
United States District Judge