

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KALEI PROVOW,

Plaintiff,

v.

NEXTEL RETAIL STORES LLC, SPRINT  
CORPORATION and CLIFTON HATCHER,

Defendants.

Case No. 14-cv-1156-JPG-PMF

**ORDER**

This matter comes before the Court on the motions of defendants Nextel Retail Stores, LLC, Sprint Corporation and Clifton Hatcher to stay this case and compel plaintiff Kalei Provow to resolve this dispute through arbitration (Docs. 13 & 39). Provow has responded to the motions (Docs. 29 & 42), and the defendants have replied to her responses (Docs. 30 & 43). No party, however, has mentioned *Howsam v. Dean Witter Reynolds, Inc.*, 537 U.S. 79 (2002), and its progeny, which appear to the Court to be relevant to this dispute. The Court believes further briefing is in order and **ORDERS** the parties to file supplemental briefs addressing the relevance of *Howsam* and its progeny to the facts of this case and whether, in light of *Howsam*, *Kemiron Atlantic Inc. v. Aguakem International, Inc.*, 290 F.3d 1287 (11th Cir. 2002), remains good law. The Court strongly suggests the parties cite relevant cases from Seventh Circuit Court of Appeals, which have been noticeably scarce in the briefing of this issue to date. The parties' initial briefs shall be filed on or before April 10, 2015, as "supplements" to their existing briefing and shall not exceed ten pages. The parties' response briefs shall be filed on or before April 17, 2015, and shall not exceed five pages.

**IT IS SO ORDERED.****DATED: March 23, 2015**

s/ J. Phil Gilbert  
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**J. PHIL GILBERT**  
**DISTRICT JUDGE**