
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

VICTORIA SETHUNYA, an individual,

Plaintiff,

v.

WELLS FARGO BANK 3077 a/k/a WELLS
FARGO CONSUMER LENDING a/k/a
WELLS FARGO NA,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 2:18-cv-378

Judge Clark Waddoups

Magistrate Judge Brooke C. Wells

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). On August 20, 2018, Judge Wells issued a Report and Recommendation addressing Defendant Wells Fargo Bank, N.A.'s Motion to Compel Arbitration. Based on the parties' Arbitration Agreement, Judge Wells recommended granting the Motion to Compel Arbitration.

On September 12, 2018, Plaintiff Victoria Sethunya filed a Response to Report and Recommendation. Ms. Sethunya requests that her right to a jury trial be preserved if arbitration is compelled. The Arbitration Agreement specifies that all legal claims "shall be resolved by final and binding arbitration." Arbitration Agreement (ECF No. 11-1). This appears to waive the right to a jury trial, but since that issue has not been briefed and is not ripe, the court does not address that issue at this time.

Plaintiff also requests that the case be stayed during the arbitration proceedings. The court concludes a stay is warranted.

Having reviewed the case, including *de novo* review of the issues raised by Plaintiff, the court hereby APPROVES AND ADOPTS Judge Wells' Report and Recommendation in its entirety (ECF No. 16). Accordingly, Defendant's Motion to Compel Arbitration is GRANTED (ECF No. 11) and this case is stayed during the arbitration proceedings.

SO ORDERED this 17th day of September, 2018.

BY THE COURT:


Clark Waddoups
United States District Court Judge