

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHERYL KATER, et. al.,

Plaintiffs,

v.

CHURCHILL DOWNS
INCORPORATED, et al.,

Defendants.

CASE NO. C15-612RBL

ORDER

THIS MATTER is before the Court on its own motion. The Court previously stayed discovery in this case (other than pre-amendment, outstanding discovery by Kater to Churchill Downs), pending resolution of Defendants’ Motion to Compel Arbitration of the claims in plaintiffs’ amended complaint.

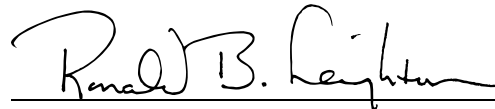
The Court today STAYED this cases companion case, *Thimmegowda v. Big Fish Casino, et al.*, Cause No. 19-199RBL, pending the Ninth Circuit’s resolution of similar issues in a similar case, *Wilson v. Huuuge*, Cause No. 18-5276RBL. *Huuuge* was recently argued before the Ninth Circuit. Defendants have since re-noted their pending Motion to Compel Arbitration for October 11, presumably anticipating that the Ninth Circuit might rule in *Huuuge* before this Court rules in this case.

1 The Court agrees with that approach. It will *sua sponte* STAY this case, pending the
2 Ninth Circuit's decision in *Huuuge*. The pending motion [Dkt. # 100] is TERMINATED without
3 resolution, and Defendants may re-file (or revise) their motion to compel after the Ninth Circuit
4 decides *Huuuge*. The parties may also weigh in on whether the Court should also await the Ninth
5 Circuit's decisions in *Benson v. Double Down Interactive LLC, et.al.*, Cause No. 18-cv-
6 0525RBL and *Wilson v Playtika*, Cause No. 18-5277RBL.

7 The parties' stipulation [Dkt. # 118] regarding the outstanding discovery remains in
8 place, and this Order should not be read to apply to ongoing, previously-permitted discovery.
9 The goal is to delay the motion to compel and any other motion practice until *Huuuge* is decided.

10 IT IS SO ORDERED.

11 Dated this 12th day of September, 2019.

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14 Ronald B. Leighton
15 United States District Judge
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