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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 AMAZON.COM, INC.,

11 Petitioner,

12 v.

13 AROBO TRADE, INC.,

14 Respondent.

CASE NO. C17-0804JLR

ORDER DIRECTING
SUPPLEMENTAL BRIEFING

15 Before the court is Petitioner Amazon.com, Inc.'s petition to confirm an
16 arbitration award pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. § 1 *et seq.*
17 (Pet. (Dkt. # 1).) Respondent Arobo Trade, Inc., failed to respond to the petition. (*See*
18 Dkt.) For the following reasons, the court DIRECTS Amazon to provide further briefing
19 on whether it has complied with the service requirements of 9 U.S.C. § 9.

20 The FAA allows the prevailing party in certain arbitration proceedings to apply to
21 a federal district court to reduce the arbitration award to judgment. 9 U.S.C. § 9. Before
22 the court enters judgment, however, the FAA requires the petitioner to satisfy certain

1 prerequisites. *See id.* In order to establish the court’s jurisdiction over the adverse party,
2 the FAA requires notice of the application to be served on that party. *Id.* The proper
3 form of service varies depending on whether the adverse party is a resident of the district
4 in which the award was made:

5 If the adverse party is a resident of the district within which the award was
6 made, such service shall be made upon the adverse party or his attorney as
7 prescribed by law for service of notice of motion in an action in the same
8 court. If the adverse party shall be a nonresident, then the notice of the
9 application shall be served by the marshal of any district within which the
10 adverse party may be found in like manner as other process of the court.

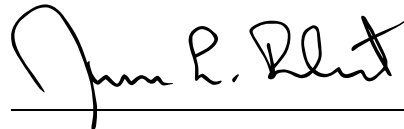
11 *Id.*

12 “[T]here is scant caselaw interpreting the FAA’s § 9 service requirement.”
13 *Hancor, Inc. v. R & R Eng’g Prods., Inc.*, 381 F. Supp. 2d 12, 15 (D.P.R. 2005). To the
14 extent caselaw exists, “district courts around the country are applying Section 9’s service
15 requirement inconsistently.” *Logan & Kanawha Coal Co. v. Detherage Coal Sales, LLC*,
16 789 F. Supp. 2d 716, 718 (S.D.W. Va. 2011). Although some district courts have strictly
17 interpreted Section 9 of the FAA to require service by the United States Marshal, others
18 have found the requirement anachronistic and permitted some flexibility in the method of
19 service. *See id.* at 718-20 (collecting cases); *see also id.* at 722 (“[S]ervice on a
20 nonresident, as authorized by Section 9, is proper and should be effected by the U.S.
21 Marshals Service.”).

22 Amazon acknowledges that Arobo is a nonresident. (Pet. ¶ 8.) However, Amazon
served process on Arobo’s registered agent via special process server—not the United
States Marshal. (Cert. of Serv. (Dkt. # 5) at 2, 4.) Amazon omits from its petition any

1 discussion of whether and on what basis service by a special process server comports
2 with Section 9's service requirement for a nonresident adverse party. (*See generally*
3 *Pet.*); *see also* 9 U.S.C. § 9. Accordingly, the court DEFERS ruling on Amazon's
4 petition (Dkt. # 1) and DIRECTS Amazon to submit supplemental briefing on whether
5 the service it effectuated comports with 9 U.S.C. § 9.¹ Amazon's supplemental brief
6 shall not exceed four (4) pages and must be filed no later than Thursday, August 3, 2017.

7 Dated this 26th day of July, 2017.

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10 JAMES L. ROBART
11 United States District Judge
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¹ In the alternative, Amazon may submit a motion for service by the United States
Marshal.