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

10 BERNARD WAITHAKA, on behalf of  
11 himself and all others similarly situated,

12 Plaintiff,

13 v.

14 AMAZON.COM, INC., AMAZON  
15 LOGISTICS, INC.,

16 Defendants.

No. C19-01320-RSM

ORDER RE: JOINT STATUS REPORT

17 This matter comes before the Court *sua sponte* and on parties' joint status report dated  
18 April 1, 2021. Dkt. #94. On November 30, 2020, the Court stayed this matter pending the final  
19 resolution of *Waithaka v. Amazon.com, Inc., et al.* (1st Cir. No. 19-1848), or *Rittmann v.*  
20 *Amazon.com, Inc., et al.* (9th Cir. No. 19-35381), whichever occurred first. Dkt. #91. On  
21 March 17, 2021, Defendants Amazon.com, Inc. and Amazon Logistics, Inc. (collectively,  
22 "Amazon") filed a noticed advising that the U.S. Supreme Court denied their petition in  
23 *Rittman*. Dkt. #92 at 2 (citing *Amazon.com, Inc. v. Rittmann*, No. 20-622, 2021 WL 666403, at  
24 \*1 (U.S. Feb. 22, 2021)). Accordingly, the conditions for lifting the stay in this matter have  
25 been met. *See* Dkt. #91 at 16.  
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ORDER RE: JOINT STATUS  
REPORT- 1

1 Defendants now seek to extend the stay on the basis that the Supreme Court is likely to  
2 rule on their pending petition for writ of certiorari in *Waithaka* “in a matter of days following  
3 the April 16 conference.” Dkt. #94 at 2. Amazon also cites to another case, *Saxon v. Sw.*  
4 *Airlines Co.*, No. 19-3226, 2021 WL 1201367 (7th Cir. Mar. 31, 2021) as evidence of “further  
5 division between the circuits” that may increase the likelihood of the Supreme Court granting  
6 certiorari. *Id.*

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8 For the second time, Amazon requests that this Court extend the stay pending final  
9 resolution of both *Rittman* and *Waithaka*. The Court previously denied Amazon’s request on  
10 the basis that “disposition of the *Rittman* petition directly implicates the probability that  
11 *Waithaka* will be granted, and visa versa . . . .” Dkt. #91 at 15. The Court finds that the Seventh  
12 Circuit’s recent decision in *Saxon* does not change its conclusion. While *Saxon* considers the  
13 holdings in *Rittman* and *Waithaka*, it does not appear to reject them. *See generally Saxon*, 2021  
14 WL 1201367. This holding is consistent with *Wallace v. Grubhub Holdings, Inc.*, which  
15 approvingly cited *Waithaka* and distinguished its facts without identifying any conflict. *See*  
16 970 F.3d 798, 802, n.2 (7th Cir. 2020). Accordingly, the Court does not find *Saxon* sufficient  
17 basis to further delay this matter.  
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19 Lastly, even if the Court has erred in its reasoning and the Supreme Court grants  
20 certiorari in *Waithaka*, its mistake would be short-lived. *See* Dkt. #94 at 2 (Amazon contending  
21 that the Supreme Court will rule “in a matter of days” after April 16, 2021). Based on this short  
22 time span, the Court cannot find that Amazon would suffer substantial harm in the interim.  
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24 For the reasons set forth above, the Court ORDERS that the stay in this matter is lifted,  
25 effective immediately.  
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1 Dated this 7<sup>th</sup> day of April, 2021.  
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5 RICARDO S. MARTINEZ  
6 CHIEF UNITED STATES DISTRICT JUDGE  
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