UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMRISH RAJAGOPALAN, on behalf of himself and all others similarly situated,

Plaintiff,

v.

NOTEWORLD, LLC,

Defendant.

CASE NO. C11-5574 BHS

ORDER DENYING MOTION TO LIFT STAY

This matter comes before the Court on Plaintiff Amrish Rajagopalan's ("Rajagopalan") motion to lift stay (Dkt 49).

On March 6, 2012, the Court denied Defendant NoteWorld, LLC's ("NoteWorld") motion to dismiss and compel arbitration. Dkt. 33. On March 19, 2012, NoteWorld filed a notice of appeal of that order. Dkt. 34. On June 11, 2012, the Court stayed this action pending determination of NoteWorld's appeal. Dkt. 48.

On August 23, 2012, Rajagopalan filed a motion to lift the stay based on newly discovered evidence. Dkt. 49. On August 31, 2012, NoteWorld responded. Dkt. 51. On

September 7, 2012, Rajagopalan replied. Dkt. 52. On October 10, 2012, NoteWorld filed notice of additional authority. Dkt. 53.

In the Ninth Circuit, entry of a stay pending an appeal of an order to deny a motion to compel arbitration is discretionary. *See Britton v. Co-op Banking Group*, 916 F.2d 1405, 1412 (9th Cir. 1990).

The Court has considered the parties' briefs and Rajagopalan's additional evidence and finds that a stay should and will remain in effect. Therefore, the Court **DENIES** Rajagopalan's motion to lift the stay (Dkt. 49).

IT IS SO ORDERED.

Dated this 25th day of October, 2012.

BENJAMIN H. SETTLE
United States District Judge