

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 17-23429-CIV-COOKE/GOODMAN

JEFF RODGERS, *et. al.*, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

MARK ADDY, *et. al.*,

Defendants.

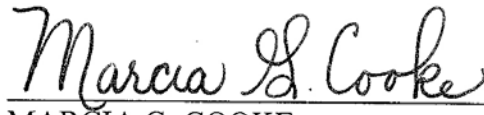
ORDER GRANTING MOTION TO STAY

THIS MATTER comes before me on Defendants' Joint Motion For an Automatic Stay of All Proceedings in This Matter, Pending Resolution of Defendants' Appeal of the Court's August 23, 2018 Order (ECF No. 115). Defendants' appeal this Court's Order Granting in Part Defendants' Motion to Compel Arbitration and Motion to Transfer Venue to the Central District of California (ECF No. 106). In that order, the Court denied Defendants' Motion to Compel Arbitration (ECF No. 62).

The Eleventh Circuit has held that the Federal Arbitration Act allows a party to immediately appeal an order denying a motion to compel arbitration. 9 U.S.C. § 16(a)(1)(A); *see, e.g., Espinoza v. Galardi S. Enterprises, Inc.*, No. 14-21244-CIV, 2016 WL 482090, at *3 (S.D. Fla. Feb. 5, 2016). Because the arbitration provisions are governed by the Federal Arbitration Act and Defendants' appeal is not frivolous, the Court hereby **ORDERS and ADJUDGES** as follows:

- The Court **GRANTS** on Defendants' Joint Motion For an Automatic Stay of All Proceedings in This Matter, Pending Resolution of Defendants' Appeal of the Court's August 23, 2018 Order (ECF No. 115).
- The Court **STAYS** this matter pending resolution of Defendants' appeal. Within 14 days of resolution, the Parties shall file a Joint Status Report. This Report shall include the result of the appeal and a proposed amended scheduling order.
- In the interim, the Clerk shall *administratively* **CLOSE** this case.

DONE and ORDERED in chambers at Miami, Florida, this 24th day of September 2018.

A handwritten signature in cursive script that reads "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE
United States District Judge

Copies furnished to:
Jonathan Goodman, U.S. Magistrate Judge
Counsel of record