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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JOHN RALPH,

Plaintiff,

v.

HAJ, INC.; D.O.S. PIZZA, INC.;  
NORTH COUNTY PIZZA, INC.;  
PIZZAFELLA, LLC.; SLAMMED  
PIZZA, INC.; and SLAMMED PIZZA  
JR., INC.,

Defendants.

CASE NO. 17cv1332 JM(JMA)

ORDER LIFTING STAY; GRANTING  
MOTION TO COMPEL  
ARBITRATION OF FLSA CLAIM;  
STAYING ACTION PENDING  
ARBITRATION

On November 13, 2017, the court entered an Order Provisionally Granting in Part and Denying in Part Motion to Compel Arbitration and Staying Action (“Order”). The order provisionally compelled arbitration of Plaintiff’s state law claims and deferred ruling on the motion to compel arbitration of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201 et seq., claim pending resolution of the appeal in Morris v. Ernst & Young, 834 F.3d 975 (9th Cir. 2017), cert. granted, 137 S.Ct. 809 (2017) (holding that collective action waivers in arbitration provisions are not enforceable). The court also stayed the action pending resolution of the appeal by the Supreme Court.


On May 21, 2018, the Supreme Court reversed the Ninth Circuit and held that class and collective action waivers in arbitration agreements are lawful and must be enforced pursuant to the Federal Arbitration Act. Epic Systems Corp. v. Lewis,

1 \_S.Ct.\_, 2018 WL 2292444 (May 21, 2018). Accordingly, the court lifts the stay and  
2 compels arbitration of all claims asserted in Plaintiff’s complaint, including the FLSA  
3 claim.

4 In sum, the court lifts the stay, compels arbitration of all claims alleged in  
5 Plaintiff’s complaint, and stays the action pending arbitration. Plaintiff is instructed  
6 to file a status report on the progress of the arbitration by November 30, 2018. The  
7 failure of Plaintiff to file the status report or to prosecute his claims in arbitration will  
8 result in the dismissal of this action without prejudice.

9 **IT IS SO ORDERED.**

10 DATED: May 30, 2018

  
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Hon. Jeffrey T. Miller  
United States District Judge

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12 cc: All parties  
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