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

R. ALEXANDER ACOSTA, Secretary of  
Labor, United States Department of  
Labor,

Plaintiff,

v.

EUROAMERICAN PROPAGATORS,  
LLC, a California corporation; JOHN  
RADER, individually and as managing  
agent of the corporate defendant;  
GERALD CHURCH, individually and as  
managing agent of the corporate  
defendant,

Defendants.

Case No.: 17-cv-00131-H-RBB

**ORDER GRANTING DEFENDANT  
RADER’S MOTION TO COMPEL  
ARBITRATION**

[Doc. No. 30.]

On January 24, 2017, Plaintiff R. Alexander Acosta filed a complaint against Defendants EuroAmerican, John Rader, and Gerald Church, alleging causes of action for: (1) violation of the Hot Goods Provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 215(a)(1); (2) failure to pay minimum wages in violation of 29 U.S.C. §§ 206 and 215(a)(2); and (3) violation of 29 U.S.C. § 215(a)(3). (Doc. No. 1, Compl. ¶¶ 16-24.) On May 26, 2017, Plaintiff filed a first amended complaint against Defendants, alleging the


1 same three causes of action as in the original complaint and adding a claim for violation of  
2 the Migrant and Seasonal Agricultural Worker Protection Act (“MSPA”), 29 U.S.C. §  
3 1862(c) and 29 C.F.R. § 500.81. (Doc. No. 12, FAC ¶¶ 21-30.)

4 On June 8, 2017, Defendant Church filed a motion to dismiss Plaintiff’s first  
5 amended complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure  
6 12(b)(6), which the Court converted into a motion for summary judgment. (Doc. Nos. 15-  
7 16.) On August 14, 2017, the Court denied Defendant Church’s motion for summary  
8 judgment. (Doc. No. 25.) On August 30, 2017, Defendant Church filed an answer to  
9 Plaintiff’s first amended complaint and a cross-complaint against Defendant Rader,  
10 alleging causes of action for: (1) breach of contract; and (2) breach of fiduciary duty. (Doc.  
11 No. 29.)

12 On September 15, 2017, Rader filed the present motion to compel arbitration of the  
13 claims in Church’s cross-complaint pursuant to the parties’ operating agreement and the  
14 Federal Arbitration Act, 9 U.S.C. § 4. (Doc. No. 30.) On October 4, 2017, Church filed a  
15 non-opposition to Rader’s motion to compel arbitration. (Doc. No. 35.) Accordingly, the  
16 Court grants Rader’s motion to compel arbitration of the claims in Church’s cross-  
17 complaint. The Court continues all dates related to the claims in the cross-complaint, if  
18 any, until the completion of arbitration but reserves the right to dismiss the claims if the  
19 parties do not diligently pursue their claims before the arbitrator, or for any reason  
20 justifying dismissal. Defendants Church and Rader must file a joint status report regarding  
21 the arbitration within six months from the date this order is filed. The present action will  
22 proceed on Plaintiff’s claims in the first amended complaint.

23 **IT IS SO ORDERED.**

24 DATED: October 4, 2017

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27 MARILYN L. HUFF, District Judge  
28 UNITED STATES DISTRICT COURT