

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-01840-WYD-CBS

ROBIN VERNON;
RORY PATRICK DURKIN; and
BRYAN SANDQUIST, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

QWEST COMMUNICATIONS INTERNATIONAL, INC., a Delaware corporation;
QWEST SERVICES CORPORATION, a Colorado corporation;
QWEST CORPORATION, a Colorado corporation;
QWEST COMMUNICATIONS CORPORATION, a Delaware corporation; and
QWEST BROADBAND SERVICES, INC., a Delaware corporation,

Defendants.

ORDER

THIS MATTER comes before the Court on Defendants' Motion to Stay Ruling on Defendants' Motion to Compel Arbitration and Notice of Supplemental Authority [ECF No. 109] filed September 8, 2010. The Plaintiffs did not respond to the Defendants' Motion. Having reviewed the parties pleadings and the relevant law, I believe that the interests of justice are best served by a stay of this matter. The Supreme Court recently granted certiorari in *AT&T Mobility, LLC v. Concepcion*, — U.S. —, 130 S. Ct. 3322 (May 24, 2010) to address whether the Federal Arbitration Act ("FAA") preempts states from invalidating arbitration clauses on the basis that they ban class actions. In addition, the Supreme Court has issued two decisions since the parties completed briefing on the motion to compel

arbitration, *Stolt-Nielsen, S.A. v. AnimalFeeds Int'l Corp*, 130 U.S. 1758 (2010) and *Rent-A-Center, West, Inc. v. Jackson*, — U.S. —, 130 S. Ct. 2772 (June 21, 2010). Because of the impending decision, and because the parties current briefs do not take into account *Stolt-Nielsen* or *Rent-A-Center*, it is

ORDER that this matter is hereby **STAYED** through the Supreme Court's resolution of *AT&T Mobility, LLC v. Concepcion*, — U.S. —, 130 S. Ct. 3322 (May 24, 2010). It is

FURTHER ORDERED that Defendants' Motion to Compel Arbitration [ECF No. 26] is **STRICKEN** with leave to re-file within twenty-one days of the Supreme Court's resolution of *AT&T Mobility, LLC v. Concepcion*, — U.S. —, 130 S. Ct. 3322 (May 24, 2010) so that the parties' briefs will take into account the aforementioned trilogy of Supreme Court cases.

Dated this 29th day of September 2010.

BY THE COURT:

s/ Wiley Y. Daniel
WILEY Y. DANIEL,
CHIEF UNITED STATES DISTRICT JUDGE