

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

24 HOUR FITNESS USA, INC., a
California Corporation d/b/a 24
HOUR FITNESS,

Petitioners,

Vs.

No. 12-2038-SAC

RAYMOND RAMIREZ,

Respondent.

MEMORANDUM AND ORDER

On March 13, 2012, the court ordered the parties to file briefs within the allowed time addressing the procedural posture of this case and offering procedural suggestions in light of the pending California litigation. The petitioner, 24 Hour Fitness USA, Inc. ("24 Hour") filed its brief, but the court has not received any filing from the respondent. Asserting judicial economy, 24 Hour asks the court to stay its petition to compel arbitration pending the outcome of certain rulings in the United States District Court for the Northern District of California ("Northern District"). While the respondent has filed nothing in this action, the court has reviewed the records in 24 Hour's other actions to compel arbitration filed in the United States District Court for the District of Kansas. Counsel who have entered their appearance for respondent Raymond Ramirez also represent the respondents in the other actions pending in Kansas. In several of those

actions, the respondents have filed responses or motions seeking either to dismiss those actions or, alternatively, to stay the actions pending certain rulings in the Northern District.

The court concurs that the interests of promoting judicial efficiency and avoiding duplicative or conflicting judgments favor staying this action pending a Northern District ruling bearing on the central issues raised in the petition to compel pending in the Kansas District. Because of the fluid and evolving procedural settings for those rulings in the Northern District, the court will stay this action now for a 90-day period and require 24 Hour to file a report of the California proceedings at the end of 90 days or upon a Northern District ruling bearing on the central issues raised here, whichever occurs first. The report should discuss the pertinent rulings, the pendency of relevant matters, and the estimated length of any requested extension of the stay.

IT IS SO ORDERED.

Dated this 17th day of April, 2012, Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge