

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARTA CARRERA CHAPPLE
Plaintiff,
v.
ANCESTRY.COM OPERATIONS
INC., et al.
Defendants.

Case No.: 20cv1456-LAB (DEB)

**ORDER GRANTING
UNOPPOSED MOTION TO
COMPEL ARBITRATION; AND
ORDER OF DISMISSAL**

Defendant Ancestry.com Operations, Inc. moved to compel arbitration pursuant to Plaintiff Marta Carrera Chapple’s arbitration agreement, which it argued covered all her claims. Plaintiff filed a notice of non-opposition to the motion, but asked the Court to stay the action rather than dismiss it. This case was filed as a putative class action.

The Ninth Circuit has directed district courts, when granting motions to compel arbitration, to be as clear as possible whether a dismissal or stay is intended. *See Bushley v. Credit Suisse First Boston*, 360 F.3d 1149, 1153 n.1 (9th Cir. 2004).

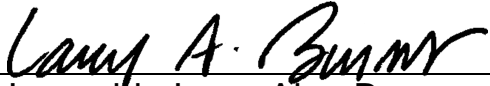
Defendant has argued that the class action waiver is enforceable, and Plaintiff does not dispute this. This case therefore cannot be maintained as a class

1 action. Where, as here, all claims are subject to an arbitration agreement, the Court
2 may dismiss the action. See *Pleasant v. Dollar Gen'l Corp.*, 2015 WL 12811236,
3 at *3 (C.D. Cal., Feb. 18, 2015) (citing *Sparling v. Hoffman Const. Co., Inc.*, 864
4 F.2d 635, 638 (9th Cir. 1988) and *Thinket Ink Info. Res., Inc. v. Sun Microsystems,*
5 *Inc.*, 368 F.3d 1053, 1060 (9th Cir. 2004)).

6 The unopposed motion to compel arbitration is **GRANTED**. Plaintiff's claims
7 are **DISMISSED WITH PREJUDICE** and the putative class claims are **DISMISSED**
8 **WITHOUT PREJUDICE**. This action is **DISMISSED** and the Clerk is directed to
9 close the docket.

10
11 **IT IS SO ORDERED.**

12 Dated: September 30, 2020

13 
14 _____
15 Honorable Larry Alan Burns
16 Chief United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28