

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LESLIE GRIFFIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4: 14 CV 1921 CDP
)	
ASBURY AUTOMOTIVE ST.)	
LOUIS, L.L.C.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER LIFTING STAY

On April 17, 2015, I stayed this case pending the completion of arbitration. The parties have now completed arbitration, and the arbitrator issued an award dated November 10, 2015. Defendant moves to vacate and/or modify that award and attaches to its motion excerpts of hearing and deposition transcripts. I do not review transcript excerpts, so if defendant wants me to consider something from these transcripts when I decide whether to vacate the arbitration award, then it must file complete copies of them for me to consider. In addition, I note from my review of the motion that some of the arguments raised in support of vacating the award (such as those related to attorney’s fees) are the very arguments I rejected when plaintiff made them in opposing arbitration. Also, defendant’s motion is silent as to whether the issue of returning the car was even raised before the arbitrator. I expect defendant to file a supplemental memorandum addressing this issue along with complete copies of transcripts. I will require plaintiff to respond

to the motion to vacate 20 days after defendant files its supplemental memorandum. Plaintiff should also address the issue of whether returning the car was discussed with the arbitrator and why the Court should not vacate, at a minimum, at least this portion of the award. Plaintiff's response shall also address all other issues raised in defendant's motion.

Based on the arbitrator's findings with respect to defendant's business practices, defendant's apparent admission of liability, and the nature of the relief awarded in this case, I would strongly suggest that the parties attempt to resolve this dispute without any further Court involvement.

Accordingly,

IT IS HEREBY ORDERED that the stay of this matter [17] is lifted.

IT IS FURTHER ORDERED that defendant shall file its supplemental memorandum in support of its motion to vacate, together with complete copies of any transcripts previously filed with the Court, no later than **November 25, 2015**.

IT IS FURTHER ORDERED that plaintiff shall file her opposition to the motion to vacate as set out above no later than **December 15, 2015**. No further briefing or a hearing will be permitted on this issue.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of November, 2015.