

No. _____

IN THE
Supreme Court of the United States

PEOPLECONNECT, INC.,
Applicant,

v.

MEREDITH CALLAHAN AND LAWRENCE GEOFFREY ABRAHAM, on behalf of themselves
and all others similarly situated,
Respondents.

APPLICATION FOR STAY PENDING DISPOSITION OF
PETITION FOR WRIT OF CERTIORARI

DEBBIE L. BERMAN
WADE A. THOMSON
CLIFFORD W. BERLOW
GABRIEL K. GILLETT
JENNER & BLOCK LLP
353 N Clark St.
Chicago, IL 60654
(312) 222-9350

IAN HEATH GERSHENGORN
ADAM G. UNIKOWSKY
Counsel of Record
JENNER & BLOCK LLP
1099 New York Ave., NW
Suite 900
Washington, DC 20001
(202) 639-6000
aunikowsky@jenner.com

RULE 29.6 STATEMENT

Pursuant to Supreme Court Rule 29.6, PeopleConnect, Inc. (“PeopleConnect”) hereby states that it is a wholly-owned subsidiary of PeopleConnect Holdings, Inc., a non-public Delaware corporation, and PCHI Parent, Inc., a non-public Delaware corporation. No publicly held corporation owns 10% or more of PeopleConnect’s stock. PeopleConnect has no publicly held affiliates.

TABLE OF CONTENTS

RULE 29.6 STATEMENT i

TABLE OF AUTHORITIES..... iv

INTRODUCTION.....1

STATEMENT OF THE CASE5

 A. PeopleConnect’s Motion to Compel Arbitration.....5

 B. PeopleConnect’s Motion to Stay Pending Appeal.....7

ARGUMENT8

I. THIS COURT IS LIKELY TO GRANT CERTIORARI TO REVIEW
THE NINTH CIRCUIT’S DENIAL OF A STAY PENDING APPEAL.....9

 A. The Circuits Are Split on Whether District Court Proceedings Must
Be Stayed Pending Appeal of a Denial of a Motion to Compel
Arbitration.....9

 i. Three circuits hold that district courts maintain jurisdiction
while an appeal of the denial of a motion to compel arbitration
is pending.10

 ii. Five circuits hold that district courts do not maintain
jurisdiction while an appeal of the denial of a motion to compel
arbitration is pending.....12

 B. The Court Should Grant Certiorari in this Case to Resolve the
Split.....17

II. THIS COURT IS LIKELY TO REVERSE THE NINTH CIRCUIT.....19

III. ABSENT A STAY, PEOPLECONNECT WILL INCUR
IRREPARABLE HARM.22

IV. TO AVOID MOOTNESS, THE COURT SHOULD ENSURE THAT
THIS CASE IS HEARD THIS TERM.....25

CONCLUSION27

- Exhibit A - Order Denying a Stay Pending Appeal, *Callahan, et al v. PeopleConnect, Inc.*, No. 21-16040 (9th Cir. Dec. 9, 2021), ECF No 28
- Exhibit B - Class Action Complaint, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. Dec. 18, 2020), ECF No. 2
- Exhibit C - Defendant's Motion to Dismiss, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. March 19, 2021), ECF No. 26
- Exhibit D - Declaration of Tara McGuane in Support of Defendant's Motion to Dismiss, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. March 19, 2021), ECF No. 27
- Exhibit E - Exhibit 1 to Declaration of Tara McGuane in Support of Defendant's Motion to Dismiss, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. March 19, 2021), ECF No. 27
- Exhibit F - Order Denying Motion to Compel, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. May 18, 2021), ECF No. 40
- Exhibit G - Order Denying Motion to Stay, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. Nov. 1, 2021), ECF No. 76
- Exhibit H - Plaintiffs' First Set of Requests for Production, *Callahan, et al v. PeopleConnect, Inc.*, No. 20-cv-09203-EMC (N.D. Cal. Dec. 9, 2021)

TABLE OF AUTHORITIES

CASES

<i>Alascom, Inc. v. ITT North Electric Co.</i> , 727 F.2d 1419 (9th Cir. 1984).....	24
<i>AT&T Mobility LLC v. Concepcion</i> , 563 U.S. 333 (2011)	23
<i>Blanton v. Womancare, Inc.</i> , 696 P.2d 645 (Cal. 1985).....	6
<i>Blinco v. Green Tree Servicing, LLC</i> , 366 F.3d 1249 (11th Cir. 2004).....	3, 14, 15, 21
<i>Bombardier Corp. v. National Railroad Passenger Corp.</i> , 333 F.3d 250 (D.C. Cir. 2003)	18
<i>Bombardier Corp. v. National Railroad Passenger Corp.</i> , No. 02-7125, 2002 WL 31818924 (D.C. Cir. Dec. 12, 2002)	18
<i>Bradford-Scott Data Corp. v. Physician Computer Network, Inc.</i> , 128 F.3d 504 (7th Cir. 1997)	13, 14, 20
<i>Britton v. Co-op Banking Group</i> , 916 F.2d 1405 (9th Cir. 1990).....	7, 10, 11, 20
<i>Christmas Lumber Co. v. NWH Roof & Floor Truss Systems, LLC</i> , No. 3:19-CV-55, 2020 WL 3052222 (E.D. Tenn. June 8, 2020).....	18
<i>Combined Energies v. CCI, Inc.</i> , 495 F. Supp. 2d 142 (D. Me. 2007)	18
<i>Conkright v. Frommert</i> , 556 U.S. 1401 (2009)	25
<i>Ehleiter v. Grapetree Shores, Inc.</i> , 482 F.3d 207 (3d Cir. 2007).....	16, 24
<i>Engen v. Grocery Delivery E-Services USA Inc.</i> , No. 19-cv-2433, 2020 WL 3072316 (D. Minn. June 10, 2020)	18
<i>Kelleher v. Dream Cather, LLC</i> , No. 1:16-cv-02092, 2017 WL 7279397 (D.D.C. July 24, 2017)	18
<i>Kindred Nursing Centers Ltd. Partnership v. Clark</i> , 137 S. Ct. 1421 (2017).....	7
<i>Lamps Plus, Inc. v. Varela</i> , 139 S. Ct. 1407 (2019).....	22
<i>Levin v. Alms & Associates, Inc.</i> , 634 F.3d 260 (4th Cir. 2011)	16, 17, 23, 24
<i>Maryland v. King</i> , 133 S. Ct. 1 (2012).....	9

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.