



**SUPREME COURT OF CALIFORNIA
APPEARANCE SHEET**

Oral Argument Session: Thursday, April 3, 2014, 9:00 a.m.

Location: Los Angeles

Case Title: Arshavir Iskanian v. CLS Transportation of Los Angeles LLC

Case Number: S204032

Complete case information is available at www.courts.ca.gov

Each side is allowed 30 minutes for argument. (In a death penalty appeal, on request by the return date below, each side may be allowed 45 minutes.) Counsel, of course, may determine that a lesser amount of time would suffice.

Only one counsel on each side may argue — regardless of the number of parties on the side — unless the court orders otherwise on request. If multiple counsel wish to argue for the same side of the case, they must jointly submit, in addition to this Appearance Sheet, a written application to divide oral argument time, with proof of service, by the return date given below. Multiple counsel must not divide their argument into segments of less than ten minutes per person, except that one counsel for the opening side — or more, if authorized by the Chief Justice on request — may reserve a portion of his or her time for rebuttal. (See Cal. Rules of Court, rule 8.524.)

LIST BELOW ALL ATTORNEYS WHO WILL PRESENT ARGUMENT FOR YOUR SIDE (INCLUDING AMICI CURIAE), IN THE ORDER OF THEIR APPEARANCE. Please include both direct office and cell phone numbers, so that court staff can easily contact counsel should last-minutes concerns arise.

1) <u>David F. Faustman</u>	<u>81862</u>	<u>20 minutes</u>	<u>Respondent CLS Transportation Los Angeles, LLC</u>
Name of Attorney arguing first	Bar Number	Amount of Time	Name of Party Represented

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Capacity: Appointed Counsel Retained Counsel Pro Se Staff Counsel

2) <u>Andrew J. Pincus</u>	<u>pro hac vice</u>	<u>10 minutes</u>	<u>Amicus Curiae The Chamber of Commerce of the United States of America</u>
Name of Attorney arguing second	Bar Number	Amount of Time	Name of Party Represented

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COMPLETE AND RETURN BY: Monday, March 17, 2014

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

ARSHAVIR ISKANIAN,
Plaintiff and Appellant,

v.

CLS TRANSPORTATION LOS ANGELES, LLC,
Defendant and Respondent.

After a Decision by the Court of Appeal,
Second Appellate District, Division Two,
Case No. B235158

From the Superior Court, County of Los Angeles
Case No. BC356521, Assigned for All Purposes to
Judge Robert Hess, Department 24

**MOTION OF RESPONDENT CLS TRANSPORTATION
LOS ANGELES, LLC AND *AMICUS CURIAE* THE
CHAMBER OF COMMERCE OF THE UNITED STATES
OF AMERICA FOR DIVIDED ARGUMENT**

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**MOTION OF RESPONDENT CLS TRANSPORTATION
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To the Honorable Tani Cantil-Sakauye, Chief Justice, and the Associate Justices of the California Supreme Court:

Respondent CLS Transportation of Los Angeles, LLC and *amicus curiae* The Chamber of Commerce of the United States of America (the “Chamber”) respectfully move under CRC 8.524(f) and (g) for divided argument and permission for the Chamber to participate in oral argument in this matter, which is scheduled to take place on April 3, 2014. Pursuant to CRC 8.524(g), CLS has granted the Chamber permission to use 10 minutes of CLS’s 30 minutes of argument time.

This case presents multiple important and recurring questions concerning the enforceability of arbitration agreements in employment contracts. Like CLS, many of the Chamber’s members and affiliates regularly use arbitration agreements in their employment contracts because arbitration allows them to resolve disputes promptly and efficiently while avoiding the costs associated with traditional litigation. If the decision below—which held that the Federal Arbitration Act (“FAA”) requires the plaintiff-employee to resolve his disputes through individual arbitration in accordance with the terms of his agreement—were overturned, it would frustrate the intent of contracting parties, undermine their existing agreements, and erode the benefits offered by arbitration as an alternative to litigation.

Participation of the Chamber at oral argument will benefit the Court through the Chamber’s broad perspective and special expertise on these issues. Cf. CRC 9.40(g). The Chamber regularly files briefs in cases involving the enforceability of arbitration agreements, including *American Express Co. v. Italian Colors Restaurant* (2013) 133 S.Ct. 2004; *AT&T*

Mobility LLC v. Concepcion (2011) 131 S.Ct. 1740; *Sonic-Calabasas A, Inc. v. Moreno* (2013) 57 Cal.4th 1109; *Gentry v. Superior Court* (2007) 42 Cal.4th 443; and *Discover Bank v. Superior Court* (2005) 36 Cal.4th 148.*

Counsel for the Chamber, Andrew J. Pincus, has deep familiarity with issues relating to the enforceability of arbitration provisions under the FAA. Most pertinently, Mr. Pincus argued *Concepcion*, which is a principal focus of the briefs in this case and will likely be a focus of the oral argument. In addition, Mr. Pincus has argued and/or prepared briefs in numerous cases that addressed the implications of *Concepcion* or presented other issues regarding the enforceability of arbitration agreements under the FAA. Mr. Pincus had principal responsibility for the Chamber's *amicus* brief in this case and was admitted *pro hac vice* on May 15, 2013.

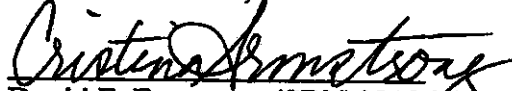
Accordingly, in light of the broad perspective that the Chamber and its members bring to the issues presented in this case, as well as Mr. Pincus's extensive experience with arbitration issues, movants submit that granting divided argument and permitting the Chamber to participate in oral argument would materially assist the Court.

CONCLUSION

The Court should grant divided argument and permit the Chamber to use 10 minutes of respondent CLS's oral argument time.

* The Chamber's most recent briefs in arbitration cases are available at <http://www.chamberlitigation.com/cases/issue/arbitration-alternative-dispute-resolution>.

Dated: March 12, 2014

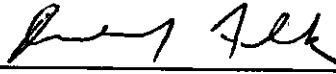


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Respectfully submitted.



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I, Kristine Neale, declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is: Two Palo Alto Square, Suite 300, 3000 El Camino Real, Palo Alto, California 94306-2112. On May 13, 2013, I served the foregoing document(s) described as:

ORAL ARGUMENT APPEARANCE SHEET; and

**MOTION OF RESPONDENT CLS TRANSPORTATION
LOS ANGELES, LLC AND *AMICUS CURIAE* THE CHAMBER
OF COMMERCE OF THE UNITED STATES OF
AMERICA FOR DIVIDED ARGUMENT**

- By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- By placing the document(s) listed above in a sealed envelope with postage prepaid, via First Class Mail, in the United States mail at Palo Alto, California addressed as set forth below.
- By causing the document(s) listed above to be personally served on the person(s) at the address(es) set forth below.
- By placing the document(s) listed above in a sealed overnight service envelope and affixing a pre-paid air bill, and causing the envelope, addressed as set forth below, to be delivered to an overnight service agent for delivery.

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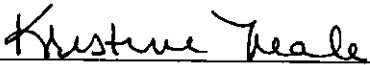
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2013, at Palo Alto, California.


Kristine Neale