

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SHANNON PANTOJA,

Plaintiff,

v.

Case No: 6:24-cv-1079-WWB-LHP

MATTRESS FIRM,

Defendant

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**ORDER**

This cause comes before the Court on review of Defendant's Opposed Motion to Compel Arbitration and Stay Proceedings (Doc. No. 15) and Plaintiff's Response in Opposition (Doc. No. 21), which matter has been referred to the undersigned. Upon consideration, the undersigned finds reply briefing from Defendant appropriate, directed to certain targeted issues raised by Plaintiff's Response.

Accordingly, it is **ORDERED** that within **fourteen (14) days** of the date of this Order, Defendant shall file a reply brief, not to exceed **ten (10) pages** in length, addressing by citation to legal authority the following arguments by Plaintiff:

1. Defendant cannot compel arbitration because the transfer letter requiring Plaintiff's signature did not reference the agreement to arbitrate,

thus failing to provide reasonable notice. Doc. No. 21, at 3–4, 8. See Doc. No. 15-1, at 1-2.

2. Defendant cannot compel arbitration because the arbitration policy attached to the transfer letter did not require Plaintiff’s signature and did not contain a place for a signature despite the policy’s apparent contemplation that it would be signed. Doc. No. 21, at 9–10. See Doc. No. 15-1, at 3, 4 (“by signing below. . .”).

3. The arbitration policy does not apply to Plaintiff because it expressly applies to “applicants,” Plaintiff was employed by Defendant since October 13, 2013, and the arbitration policy further states that “[a]ll applicants beginning March 23, 2016, are required to agree to this Mutual Arbitration Agreement.” Doc. No. 21, at 9. See Doc. No. 15-1, at 3.

4. Any other issue raised by Plaintiff’s response that Defendant deems relevant to resolution of the motion.

**DONE and ORDERED** in Orlando, Florida on September 6, 2024.



LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties