

Calaveras Superior Court
Civil Law Motion Calendar
Friday, March 19, 2021
Hon. David M. Sanders
Courtroom #2

9:00 AM 20CV44987 Petition to Compel Arbitration filed by Defendants 05/26/2021 Case Management Conference

10/15/2020

Ptff/Pet: Shahid, Fatima

Atty: Richards, John Secrest

Def/Res: Hopp, Richard D.; Hopp, Zandra L.; Messinger, Danielle C.; Messinger, Michael
D.; Mortgage Electronic Registration Systems Inc. (mers); Stapp, David W.;
Stapp, Debra A.; Turner, David Lee; Vasquez, Jonathan D.; Vazquez, Melba C.

Atty: Carlson Law Group; Foster Garvy Pc

Tentative Ruling: Defendants contend that the binding arbitration clause of the Residential Purchase Agreement entered into on or about July 26, 2020, compels that process be ordered in lieu of these court proceedings; plaintiff opposes largely on procedural grounds.

While the language of the agreement provides a provision to compel binding arbitration, there is a condition precedent, in the moving papers on page three, lines nine through eleven, and more fully set forth in Exhibit "A", Residential Purchase Agreement, on page eight of ten, paragraph 22(A). Specifically, the parties' agreement required first engaging in mediation of any dispute; only if the matter does not settle at mediation does the arbitration clause of paragraph 22(B) come into play. As there is no evidence before the Court that mediation occurred, any request to compel arbitration is premature. Therefore, defendants' motion is DENIED, on the basis that the motion is not ripe for decision.

The clerk shall provide notice of this ruling to the parties forthwith. Defendants are to prepare a formal Order pursuant to Rule 3.1312 in conformity with this ruling.