

APPENDIX

This list represents the outcomes of appeals to the Ninth Circuit Court of Appeals from district court orders denying motions to compel arbitration issued from 2009 to present, following the methodology of Roger J. Perlstadt in his law review article “Interlocutory Review of Litigation-Avoidance Claims: Insights from Appeals Under the Federal Arbitration Act,” 44 AKRON. L. REV. 375, 407 (2011).

Case Name	Citation	Date	Code
<i>Western Sec. Bank v. Schneider Ltd. Partnership</i>	816 F.3d 587	March 24, 2016	Affirmed
<i>Hermosillo v. Davey Tree Surgery Company</i>	821 Fed.Appx. 753	July 24, 2020	Not Applicable
<i>Van Dusen v. Swift Transportation Company Incorporated</i>	830 F.3d 893	July 26, 2016	Affirmed
<i>MediVas, LLC v. Marubeni Corp.</i>	741 F.3d 4	January 27, 2014	Not Applicable
<i>Sperrign v. LLR, Inc.</i>	995 F.3d 680	April 23, 2021	Not Applicable
<i>Kum Tat Limited v. Linden Ox Pasture, LLC</i>	845 F.3d 979	January 13, 2017	Affirmed
<i>Sanchez v. Elizondo Muhammad v. Battle-Tested Strategies, LLC</i>	878 F.3d 1216	January 5, 2018	Not Applicable
<i>Blair v. Rent-A-Center, Inc.</i>	2022 WL 1027000	March 18, 2022	Not Applicable
	928 F.3d 819	June 28, 2019	Affirmed

Case Name	Citation	Date	Code
<i>The Thomas KinKade Co. v. Hazlewood</i>	336 Fed.Appx. 629	June 16, 2009	Not Applicable
<i>In re Wade</i>	671 Fed.Appx 669	December 21, 2016	Affirmed
<i>Langere v. Verizon Wireless Services, LLC</i>	983 F.3d 1115	December 29, 2020	Not Applicable
<i>Esparza v. SmartPay Leasing, Inc.</i>	765 Fed.Appx.218	March 21, 2019	Affirmed
<i>Pierce County v. MA Mortenson Company</i>	78 Fed.Appx. 160	March 17, 2020	Not Applicable
<i>International Alliance of Theatrical Stage Employee and Moving Picture Technicians Artists, and Allied Crafts of the United States, It's Trusteed Local 720 Las Vega, Nevada v. InSync Show Productions, Inc.</i>	801 F.3d 1033	September 4, 2015	Not Applicable

Case Name	Citation	Date	Code
<i>Hansen v. LMB Mortgage Services, Inc.</i>	1 F.4th 667	June 11, 2021	Reversed
<i>Erection Co., Inc. v. W & W Steel, LLC</i>	513 Fed.Appx. 664	March 21, 2012	Affirmed
<i>Lombardi v. DirecTV, Inc.</i>	546 Fed.Appx. 715	December 2, 2013	Reversed
<i>Tillage v. Comcast Corporation</i>	772 Fed.Appx. 569	June 28, 2019	Affirmed
<i>Godhart v. Tesla, Inc.</i>	855 Fed.Appx. 399	August 6, 2021	Not Applicable
<i>Cherny v. AT&T Mobility LLC</i>	473 Fed.Appx. 793	June 12, 2012	Reversed
<i>Peters v. Amazon Services, LLC</i>	669 Fed.Appx. 487	October 13, 2016	Not Applicable
<i>Cunico Corporation v. Custom Alloy Corporation</i>	668 Fed.Appx 777	September 6, 2016	Not Applicable
<i>Brice v. Sequoia Capital Operations, LLC</i>	859 Fed.Appx. 31	September 16, 2021	Reversed

Case Name	Citation	Date	Code
<i>Biernacki v. Service Corp. Intern.</i>	533 Fed.Appx. 741	July 16, 2012	Reversed
<i>Arevalo Tortilleria, Inc. v. Applied Underwriters Captive Risk Assurance Company, Inc.</i>	694 Fed.Appx. 614	August 4, 2017	Not Applicable
<i>Raymond James and Associates, Inc. v. Terran Orbital Corporation</i>	839 Fed.Appx. 171	March 9, 2021	Not Applicable
<i>Board of Trustees of IBEW Local No. 640 and Arizona Chapter NECA Health and Welfare Trust Fund v. Cigna Health and Life Insurance Company</i>	2022 WL 2805111	July 18, 2022	Not Applicable
<i>McArdle v. AT&T Mobility LLC</i>	772 Fed.Appx. 575	June 28, 2019	Affirmed

Case Name	Citation	Date	Code
<i>Greif Packaging LLC v. Teamsters District Council 2, Local 388M</i>	793 Fed.Appx. 591	February 19, 2020	Not Applicable
<i>U.S. v. Park Place Associates, Ltd.</i>	563 F.3d 907	April 22, 2009	Not Applicable
<i>Mastro v. Momt</i>	439 Fed.Appx. 612	June 22, 2011	Reversed
<i>Garcia v. U.S. Bancorp</i>	579 Fed.Appx. 581	June 18, 2014	Affirmed
<i>Powell v. Anheuser-Busch Inc.</i>	457 Fed.Appx. 679	November 3, 2011	Not Applicable
<i>Angheloiu v. PeaceHealth</i>	781 Fed.Appx. 683	October 25, 2019	Affirmed
<i>Limited v. Indyzen, Inc.</i>	851 Fed.Appx. 54	June 23, 2021	Not Applicable
<i>Lefevre v. Five Star Quality Care, Inc.</i>	705 Fed.Appx. 622	December 6, 2027	Affirmed
<i>Balan v. Tesla, Inc.</i>	840 Fed.Appx. 303	March 22, 2021	Reversed

Case Name	Citation	Date	Code
<i>Sheet Metal Workers Local Union 105, an unincorporated association v. Tital Sheet Metal Inc.</i>	858 Fed.Appx. 247	September 10, 2021	Not Applicable
<i>Brown v. Stored Value Cards, Inc.</i>	2022 WL 17844168	December 22, 2022	Affirmed
<i>Gile v. Dolgen California, LLC</i>	2022 WL 172480087	November 28, 2022	Affirmed
<i>Merkin v. Vonge America, Inc.</i>	639 Fed.Appx. 481	May 4, 2016	Reversed
<i>McGhee v. North American Bancard, LLC</i>	755 Fed.Appx. 718	March 6, 2019	Affirmed
<i>Heidrich v. PennyMac Financial Services, Inc.</i>	792 Fed.Appx. 540	February 7, 2020	Not Applicable
<i>Golden Temple of Oregon, LLC v. Puri</i>	774 Fed.Appx. 1044	August 13, 2019	Not Applicable
<i>Space Data Corporation v. Hosie Rice, LLP</i>	2022 WL 1515342	May 13, 2022	Not Applicable

Case Name	Citation	Date	Code
<i>Medi Vas, LLC v. Marubeni Corp.</i>	592 Fed.Appx. 642	February 24, 2015	Not Applicable
<i>G.G. v. Value Corporation</i>	799 Fed.Appx 557	April 3, 2020	Not Applicable
<i>UMG Recordings, Inc. v. American Home Assur. Co.</i>	378 Fed.Appx. 766	May 13, 2010	Affirmed
<i>Applied Underwriters Captive Risk Assurance Company, Inc. v. Barker Management, Inc.</i>	777 Fed.Appx. 225	September 16, 2019	Affirmed
<i>Bayless Engineering, Inc. v. Applied Underwriters Captive Risk Assurance Company, Inc.</i>	777 Fed.Appx. 228	September 16, 2019	Affirmed
<i>Kelly v. Public Utility Dist. No. 2 of Grant County</i>	552 Fed.Appx. 663	January 13, 2014	Affirmed

Case Name	Citation	Date	Code
<i>Aliff v. Vervent, Inc.</i>	2021 WL 59855584	December 17, 2021	Affirmed
<i>Cunico Corporation v. Custom Alloy Corporation</i>	772 Fed.Appx. 595	July 3, 2019	Not Applicable
<i>Ruhe v. Masimo Corp.</i>	640 Fed.Appx. 685	February 19, 2016	Not Applicable
<i>Carlsen v. Global Client Solutions, LLC</i>	423 Fed.Appx. 697	March 21, 2011	Affirmed
<i>Ziober v. BLB Resources, Inc.</i>	839 F.3d 814	October 14, 2016	Not Applicable
<i>American Airlines, Inc. v. Mawhinney</i>	904 F.3d 1114	September 16, 2018	Not Applicable
<i>Technical Security Integration, Inc. v. Philadelphia Indemnity Insurance Company</i>	710 Fed.Appx. 753	February 1, 2018	Affirmed
<i>Cottrell v. AT&T Inc.</i>	2021 WL 4963246	October 26, 2021	Reversed
<i>Kaltwasser v. Cingular Wireless, LLC</i>	350 Fed.Appx. 108	October 1, 2009	Affirmed

Case Name	Citation	Date	Code
<i>Youngevity International Corp. v. Andreoli</i>	749 Fed.Appx. 634	January 24, 2019	Not Applicable
<i>Golden v. O'Melveny & Myers LLP</i>	2021 WL 3466044	August 6, 2021	Not Applicable
<i>Murphy v. DIRECTV, Inc.</i>	860 Fed. Appx. 519	July 8, 2021	Not Applicable
<i>Reyes v. Hearst Communications, Inc.</i>	2022 WL 2235793	June 22, 2022	Affirmed
<i>Pokorny v. Quixtar, Inc.</i>	601 F.3d 987	April 20, 2010	Affirmed
<i>Wiseley v. Amazon.com, Inc.</i>	709 Fed.Appx. 862	September 19, 2017	Not Applicable
<i>Comedy Club, Inc. v. Improv West Associates</i>	553 F.3d 1277	January 29, 2009	Not Applicable
<i>Newirth by and through Newirth v. Aegis Senior Communities, LLC</i>	931 F.3d 935	July 24, 2019	Affirmed
<i>Corporation v. Costco Wholesale Corporation</i>	2022 WL 2800826	July 18, 2022	Not Applicable
<i>Atencio v. TuneCore, Inc.</i>	769 Fed.Appx. 432	April 25, 2019	Not Applicable

Case Name	Citation	Date	Code
<i>Berk v. Coinbase, Inc.</i>	840 Fed.Appx. 914	December 23, 2020	Reversed
<i>Defrees v. Kirkland</i>	579 Fed.Appx. 538	June 16, 2014	Affirmed
<i>Kilgore v. KeyBank, Nat. Ass'n</i>	673 F.3d 947	March 7, 2012	Not Applicable
<i>Kajibekyan v. BMW of North America, LLC</i>	839 Fed.Appx. 187	March 9, 2021	Not Applicable
<i>Greystone Nevada, LLC v. Anthem Highlands Community Assn'</i>	549 Fed.Appx. 621	December 3, 2013	Not Applicable
<i>Public Risk innovations, Solutions, and Management v. AmTrust Financial Services, Inc.</i>	2022 WL 1403683	May 4, 2022	Not Applicable
<i>Valdez v. Terminix International Company Limited Partnership</i>	681 Fed.Appx. 592	March 3, 2017	Reversed
<i>Malhotra v. Copa de Ora Realty, LLC</i>	673 Fed.Appx. 666	December 14, 2016	Affirmed

Case Name	Citation	Date	Code
<i>Capili v. Finish Line, Inc.</i>	699 Fed.Appx. 620	July 3, 2017	Affirmed
<i>Aceves v. Autonation, Inc.</i>	317 Fed.Appx. 665	March 5, 2009	Reversed
<i>Seven Arts Pictures PLC v. Jonesfilm</i>	311 Fed.Appx. 962	February 12, 2009	Not Applicable
<i>B.F. v. Amazon.com Inc.</i>	858 Fed.Appx. 218	April 23, 2021	Affirmed
<i>Delisle v. Speedy Cash</i>	818 Fed.Appx. 608	June 9, 2020	Reversed
<i>Ariza v. Autonation, Inc.</i>	317 Fed.Appx. 662	March 5, 2009	Reversed
<i>Roes v. SFBSC Management, LLC</i>	656 Fed.Appx. 828	July 18, 2016	Affirmed
<i>Dohrmann v. Intuit, Inc.</i>	823 Fed.Appx. 482	August 11, 2020	Reversed
<i>Ali v. J.P. Morgan Chase Bank, N.A.</i>	647 Fed.Appx. 783	April 7, 2016	Reversed
<i>Lombardi v. DirecTV, Inc.</i>	549 Fed.Appx. 617	December 2, 2013	Reversed
<i>Hart v. Charter Communications, Inc.</i>	814 Fed.Appx. 211	May 15, 2020	Not Applicable

Case Name	Citation	Date	Code
<i>Oestreicher v. Alienware Corp.</i>	322 Fed.Appx. 489	April 2, 2009	Affirmed
<i>Johnmohammadi v. Bloomingdale's, Inc.</i>	755 F.3d 1072	June 23, 2014	Not Applicable
<i>Snarr v. HRB Tax Group, Inc.</i>	839 Fed.Appx. 53	December 9, 2020	Affirmed
<i>In re Pacific Fertility Center Litigation</i>	814 Fed.Appx. 206	May 15, 2020	Reversed
<i>Carmona v. Domino's Pizza, LLC</i>	21 F.4th 627	December 23, 2021	Affirmed
<i>Benson v. Double Down Interactive, LLC</i>	798 Fed.Appx. 117	January 29, 2020	Affirmed
<i>Richards v. Ernst & Young, LLP</i>	744 F.3d 1072	December 9, 2013	Reversed
<i>Richards v. Ernst & Young, LLP</i>	734 F.3d 871	August 21, 2013	Reversed
<i>Cipolla v. Team Enterprises, LLC</i>	810 Fed.Appx. 562	June 23, 2020	Reversed

Case Name	Citation	Date	Code
<i>Rajagopalan v. NoteWorld, LLC</i>	718 F.3d 844	May 20, 2013	Affirmed
<i>Walsh v. Arizona Logistics, Inc.</i>	998 F.3d 393	May 18, 2021	Affirmed
<i>Dylag v. West Las Vegas Surgery Center, LLC</i>	719 Fed.Appz. 568	December 13, 2017	Not Applicable
<i>Garcia v. ISS Facility Services, Inc.</i>	855 Fed.Appx. 338	March 30, 2021	Affirmed
<i>Move, Inc. v. Citigroup Global Markets, Inc.</i>	840 F.3d 1152	November 4, 2016	Not Applicable
<i>Baten v. Michigan Logistics, Inc.</i>	830 Fed.Appx. 808	October 15, 2020	Affirmed
<i>Suski v. Coinbase, Inc.</i>	55 F.4th 1227	December 16, 2022	Affirmed
<i>Rivas v. Coverall North America</i>	842 Fed.Appx. 55	January 7, 2021	Affirmed
<i>Munro v. University of Southern California</i>	896 F.3d 1088	July 24, 2018	Affirmed
<i>Smallwood v. Allied Van Lines</i>	660 F.3d 1115	October 18, 2011	Affirmed

Case Name	Citation	Date	Code
<i>In re Wal-Mart Wage and Hour Employment Practices Litigation</i>	737 F.3d 1262	December 17, 2013	Not Applicable
<i>Smith v. Jem Group, Inc.</i>	737 F.3d 636	December 12, 2013	Affirmed
<i>Amaya v. Garland</i>	15 F.4th 976	October 7, 2021	Not Applicable
<i>United States v. Vasquez-Gonzalez</i>	901 F.3d 1060	August 1, 2018	Not Applicable
<i>Namisanak v. Uber Technologies, Inc.</i>	971 F.3d 1088	August 24, 2020	Affirmed
<i>Calk v. T-Mobile USA, Inc.</i>	560 F.3d 1087	March 27, 2009	Not Applicable
<i>Momot v. Mastro</i>	652 F.3d 982	June 22, 2011	Reversed
<i>United States v. Guizar-Rodriguez</i>	900 F.3d 1044	August 17, 2018	Not Applicable
<i>Laster v. AT & T Mobility LLC</i>	584 F.3d 849	October 27, 2009	Affirmed
<i>Johnson v. Walmart Inc.</i>	_ F.4th _ / 2023 WL 140132	January 10, 2023	Affirmed

Case Name	Citation	Date	Code
<i>Franklin v. Community Regional Medical Center</i>	998 F.3d 867	May 21, 2021	Not Applicable
<i>Gutierrez v. Wells Fargo Bank, NA</i>	704 F.3d 712	December 16, 2012	Not Applicable
<i>United States v. Soto-Zuniga</i>	837 F.3d 992	September 16, 2016	Not Applicable
<i>United States ex rel. Welch v. My Left Foot Children's Therapy, LLC</i>	871 F.3d 791	September 11, 2017	Affirmed
<i>Mortensen v. Bresnan Communications, LLC</i>	722 F.3d 1151	July 15, 2013	Reversed
<i>Knapke v. PeopleConnect, Inc</i>	38 F.4th 824	June 29, 2022	Reversed
<i>Kilgore v. KeyBank, Nat. Ass'n</i>	718 F.3d 1052	April 11, 2013	Reversed
<i>In re EPD Inv. Co., LLC</i>	821 F.3d 1146	May 9, 2016	Affirmed
<i>Kramer v. Toyota Motor Corp.</i>	705 F.3d 1122	January 30, 2013	Affirmed

Case Name	Citation	Date	Code
<i>Boardman v. Pacific Seafood Group</i>	822 F.3d 1011	May 3, 2016	Affirmed
<i>Cape Flattery Ltd. v. Titan Maritime, LLC</i>	647 F.3d 914	July 26, 2011	Affirmed
<i>Bridge Fund Capital Corp. v. Fastbucks Franchise Corp.</i>	622 F.3d 996	September 16, 2010	Affirmed
<i>In re Eber</i>	687 F.3d 1123	July 9, 2012	Affirmed
<i>Chadd v. U.S.</i>	794 F.3d 1104	July 27, 2015	Not Applicable
<i>Tompkins v. 23andMe, Inc.</i>	840 F.3d 1016	October 13, 2016	Not Applicable
<i>Poublon v. C.H. Robinson Company</i>	846 F.3d 1251	February 3, 2017	Reversed
<i>Hodges v. Comcast Cable Communications, LLC</i>	12 F.4th 1108	September 10, 2021	Reversed
<i>Hodges v. Comcast Cable Communications, LLC</i>	21 F.4th 535	September 10, 2021	Reversed
<i>Johnson v. Wells Fargo Home Mortg., Inc.</i>	635 F.3d 401	February 15, 2011	Not Applicable

Case Name	Citation	Date	Code
<i>Polimaster Ltd. V. RAE Systems, Inc.</i>	623 F.3d 832	September 28, 2010	Not Applicable
<i>Rittmann v. Amazon.com, Inc.</i>	971 F.3d 904	August 19, 2020	Affirmed
<i>In re Thorpe Insulation Co.</i>	671 F.3d 1011	January 30, 2012	Affirmed
<i>Shivkov v. Artex Risk Solutions, Inc.</i>	974 F.3d 1051	September 9, 2020	Not Applicable
<i>United States v. Begay</i>	33 F.4th 1081	May 5, 2022	Not Applicable

Total Cases	Not Applicable	Total Applicable Cases	Reversed	Affirmed	% Reversed	% Affirmed
143	59	84	28	56	33%	67%