

22-105 COINBASE, INC. V. BIELSKI

DECISION BELOW: 2022 WL 3095991

LOWER COURT CASE NUMBER: 22-15566

QUESTION PRESENTED:

Under § 16(a) of the Federal Arbitration Act, when a district court denies a motion to compel arbitration, the party seeking arbitration may file an immediate interlocutory appeal. This Court has held that an appeal "divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam).

The question presented is: Does a non-frivolous appeal of the denial of a motion to compel arbitration oust a district court's jurisdiction to proceed with litigation pending appeal, as the Third, Fourth, Seventh, Tenth, Eleventh and D.C. Circuits have held, or does the district court retain discretion to proceed with litigation while the appeal is pending, as the Second, Fifth, and Ninth Circuits have held?

DISMISSED AS IMPROVIDENTLY GRANTED AS TO RESPONDENTS SUSKI *ET AL.*

CERT. GRANTED 12/9/2022