IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MARK S., on behalf of himself and as parent and)
Guardian of his minor child, A.S., and on behalf of)
all other similarly situated individuals,)
)
Plaintiff,)
)
VS.)
)
COLLEGE BOARD,)
)
Defendant.)

Civil Action No. 1:19-cv-08068

The Honorable Martha M. Pacold

THE COLLEGE BOARD'S MOTION TO ENFORCE ARBITRATION AGREEMENTS AND STAY PROCEEDINGS PURSUANT TO 9 U.S.C. § 3

Defendant the College Board, by its attorneys, hereby moves to enforce arbitration agreements and stay proceedings under the Federal Arbitration Act, 9 U.S.C. § 3. In support of this Motion, the College Board states:

1. Plaintiff Mark S. brings this action on behalf of his minor child, A.S., who has

taken multiple exams administered by the College Board.

2. The relevant exams were administered subject to terms and conditions which required disputes like this one—relating to use of test taker data—to be resolved through binding

individual arbitration.

3. The parties' written arbitration agreements should be enforced, and the action should be stayed under the Federal Arbitration Act, 9 U.S.C. § 3, which requires that a court "shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement."

WHEREFORE, for the reasons stated in the College Board's Memorandum of Law in Support of Its Motion To Enforce Arbitration Agreements And Stay Proceedings, the College

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Board respectfully requests that the Court enter an order staying this litigation under the Federal Arbitration Act, 9 U.S.C. § 3.

Dated: March 4, 2020

Respectfully submitted,

/s/ Robert N. Hochman

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Attorneys for Defendant the College Board

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2020, I electronically filed the foregoing document with the clerk of the court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of E-Filing" to the attorneys of record in this case.

/s/ Jillian S. Stonecipher