

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

BRUCE AND WENDY ANDERSON,
(in propria persona)

Plaintiffs,

v.

AMWAY/QUIXTAR, INC., a corporation;
MICHAEL YOUNG McCORMICK,
DONALD E. CHRISTOPHER,
HAL GOOCH,

Defendants.

Case 3:07-cv-00844-HLA-JRK

**QUIXTAR INC.'S RESPONSE TO THE ANDERSONS' NOTICE IN SUPPORT OF
MOTION TO VACATE ARBITRATION AWARD**

On April 7, 2008, the Andersons' filed their Notice in Support of Motion to Vacate Arbitration Award (Dkt. No. 60) ("Notice"). This Notice presumably is in support of their Motion to Vacate (Dkt. No. 12) ("Motion") and numerous memoranda of law (Dkt. Nos. 23, 24, 26) to which Quixtar Inc. ("Quixtar") (erroneously denominated as Amway/Quixtar, Inc. in the Amended Complaint (Dkt. No. 4)) filed an opposition on January 1, 2008 (Dkt. No. 39) ("Opposition"). As stated in its Opposition, Quixtar was neither a party to the order to which the Andersons' Motion seeks to vacate, nor was it a party to the arbitration referenced in that order. Accordingly, Quixtar stands by its Opposition and takes no position with respect to the merits of the Andersons' Motion or its recently filed Notice.

However, to the extent the Court thinks the order dated March 31, 2008 from *Pokorny v. Quixtar Inc.*, Case 3:07-cv-00201-SC (N.D. Cal.) (attached to Andersons' Notice) is applicable

to this case (which it is not), Quixtar reserves its right to provide briefing on this subject.¹

DATED: April 22, 2008

Respectfully submitted,

s/ Sarah G. Maroon

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**ATTORNEYS FOR DEFENDANT,
QUIXTAR INC.**

¹ The order from *Pokorny*, dated March 31, 2008 has no applicability to these proceedings for numerous reasons (which Quixtar will brief should the Court desire it), including the fact that *Pokorny* applied California law. However, Michigan law would apply to any arbitration contract between Quixtar and the Andersons, and under which, the contract is not procedurally or substantively unconscionable. Moreover, the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida has already confirmed an arbitration award (not at issue in this proceeding) rendered in favor of Quixtar and against the Andersons. (*See* Ex. 1, Feb. 27, 2007 Order Confirming Final Arbitration Award.) The Andersons are presently appealing that order, but no decision has been rendered.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 22, 2008, I electronically filed the foregoing, QUIXTAR INC.'S RESPONSE TO THE ANDERSONS' NOTICE IN SUPPORT OF MOTION TO VACATE ARBITRATION AWARD, with the Clerk of Court by using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants on April 22, 2008:

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/s Sarah G. Maroon
One of the attorneys for Defendant, Quixtar Inc.