

Howard Wexler [ID No. 01451-2007]
Samuel Sverdlov [ID No. 15675-2015]
SEYFARTH SHAW LLP
620 Eighth Avenue, 32nd Floor
New York, NY 10018
Telephone: (212) 218-5500
Facsimile: (212) 218-5526

Attorneys for Defendants
XPO Logistics Frieght, Inc., Jack Fabiani, Patricia Welsh,
Michael Esposito, and Catherina Melissaratos

JAMES A. MILLER,

Plaintiffs,

v.

XPO LOGISTICS, INC., JACK FABIANI,
PATRICIA WELSH, KATRINA MELISSA
RATOS, and MICHAEL ESPOSITO

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CAMDEN COUNTY

Civil Action No. CAM-L-000105-20

ORDER

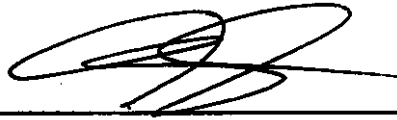
This matter being opened to the Court on motion by Defendants XPO Logistics Frieght, Inc. (incorrectly identified in the Complaint as "XPO Logistics, Inc.") ("XPO"), Jack Fabiani, Patricia Welsh, Catherina Melissaratos, and Michael Esposito (collectively "Defendants"), by their attorneys, to move to compel arbitration and stay Plaintiff James Miller's ("Plaintiff") lawsuit pursuant to the New Jersey Uniform Arbitration Act, *N.J.S.A. 2A:23B-7*; and the Court having considered all papers submitted by all parties and oral argument, if any, and for good cause shown:

IT IS this 16th day of February, 2021, hereby ORDERED that,

1. Defendant XPO's Arbitration Agreement is *unenforceable as the dispute falls outside the scope of the agreement & based on waiver.*
2. Defendants' motion to compel arbitration is **DENIED.**

A copy of this Order shall be served upon counsel for all other parties within seven
(7) business days of receipt thereof.

☒ opposed
☐ unopposed

A handwritten signature in black ink, appearing to read 'AP', is written over a horizontal line.

Anthony M. Pugliese, J.S.C.