

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Joshua Baker, et al. v. PJ Ohio, LLC, et al.

Baker · No. 3:25-cv-3 · Decided February 17, 2026

SUMMARY

The court held Defendants’ motion to stay the proceedings and compel arbitration in abeyance because Plaintiffs disputed formation of the arbitration agreements. The court ordered limited discovery concerning the agreements’ validity, referred that discovery to the magistrate judge, set a summary trial for May 14, 2026, and imposed an April 14, 2026 discovery deadline.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	February 17, 2026
DOCKET	3:25-cv-3
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay the proceedings and compel arbitration. The court found a genuine factual dispute concerning whether Plaintiffs formed or signed the arbitration agreements and held the motion in abeyance pending limited discovery and a summary trial on contract formation.
STANDARD OF REVIEW	When the formation or existence of an arbitration agreement is genuinely disputed, the court must permit targeted discovery and conduct a limited trial on the issue under the Federal Arbitration Act.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation.

TOPICS

- arbitration
- contract formation
- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the conflicting electronic records and Plaintiffs' affidavits created a genuine dispute of fact concerning formation and validity of the arbitration agreements.
2. Whether the court should hold Defendants' motion to stay the proceedings and compel arbitration in abeyance and permit limited discovery followed by a summary trial under 9 U.S.C. § 4.

HOLDINGS

1. Conflicting electronic records and affidavits denying signature created a genuine dispute of fact concerning formation of the arbitration agreements, including whether Plaintiffs agreed to arbitrate at all.
2. The motion to stay the proceedings and compel arbitration should be held in abeyance while the parties conduct narrowly tailored discovery and proceed to a summary trial limited to formation of the arbitration agreements.

KEY QUOTATIONS

“This creates a genuine dispute of fact in the instant case as to the arbitration agreements’ formation—including whether Plaintiff “agreed to arbitrate at all.””

“Additionally, pursuant to the Federal Arbitration Act (9 U.S.C. § 4), the Court SCHEDULES a summary trial limited to the question of formation of the arbitration agreements for 9:00 a.m. on May 14, 2026.”

FACTUAL BACKGROUND

Defendants presented electronic records indicating that Plaintiffs Joshua Baker and Tristan Berghoff-Wagner signed the arbitration agreements at issue. Each Plaintiff submitted an affidavit denying that he or she signed the agreements. The conflicting evidence created a genuine dispute concerning whether the parties formed the arbitration agreements and whether Plaintiffs consented to arbitration.

PROCEDURAL HISTORY

Defendants PJ Ohio, LLC, Serazen, LLC, PJ Las Vegas, LLC, PJ North Carolina, LLC, Doug Pak, and Darcie Mangus moved to stay the case and compel arbitration. Plaintiffs opposed the motion and submitted affidavits denying that they signed the arbitration agreements, while Defendants submitted electronic records indicating that Plaintiffs had signed them. The court held the motion in abeyance, referred the matter for limited discovery, set a summary trial concerning formation of the arbitration agreements, and imposed a discovery deadline.

DISPOSITION

other

CASES CITED

- Boykin v. Fam. Dollar Stores of Mich., LLC, 3 F.4th 832 (6th Cir. 2021)

OPINION

Baker

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JOSHUA BAKER, et al., Plaintiffs, Case No. 3:25-cv-3 vs. PJ OHIO, LLC, et al., District Judge Michael J. Newman Magistrate Judge Peter B. Silvain, Jr. Defendants.

ORDER: (1) HOLDING IN ABEYANCE DEFENDANTS' MOTION TO STAY THE PROCEEDINGS AND COMPEL ARBITRATION (Doc. No. 20); (2) REFERRING THE CASE TO THE MAGISTRATE JUDGE FOR LIMITED DISCOVERY; (3) SETTING A SUMMARY TRIAL FOR MAY 14, 2026; AND (4) SETTING A DISCOVERY DEADLINE OF APRIL 14, 2026

This case is before the Court upon a motion by Defendants PJ Ohio, LLC; Serazen, LLC; PJ Las Vegas, LLC; PJ North Carolina, LLC; Doug Pak; and Darcie Mangus to stay the proceedings and compel arbitration. Doc. No. 20. Plaintiffs Joshua Baker and Tristan Berghoff- Wagner have responded in opposition. Doc. No. 22. Defendants have replied. Doc. No. 26. Additionally, the Court granted Plaintiff's motion for leave to file a sur-reply (Doc. No. 33), which Plaintiffs then filed (Doc. No. 34). Defendants present electronic records indicating Plaintiffs signed the arbitration agreements at issue. Doc. No. 20-2 at PageID 139; Doc. No. 20-3 at PageID 143. However, Plaintiffs present affidavits denying that they signed those agreements. Doc. No. 22-1 at PageID 162; Doc. No. 22-2 at PageID 165. This creates a genuine dispute of fact in the instant case as to the arbitration agreements' formation—including whether Plaintiff "agreed to arbitrate at all." Boykin v. Fam. Dollar Stores of Mich., LLC, 3 F.4th 832, 843 (6th Cir. 2021) ("[T]he duty to arbitrate arises only from the party's consent"); see id. at 841 ("Boykin has identified a genuine dispute of fact over whether the parties have formed a contract—a dispute that entitles him to targeted discovery and a trial on the question"). Because of this dispute, Plaintiffs are entitled to a limited hearing on the issue of the validity of the arbitration agreements. See id. at 844 (holding that the district court erred in granting a motion to compel arbitration when the plaintiff had presented an affidavit unequivocally denying that he signed the arbitration agreement). For the reasons set forth above, the Court HOLDS IN ABEYANCE Defendants' motion to stay and compel arbitration. Doc. No. 20; see Boykin at 844 ("...the court should hold its motion in abeyance"). Additionally, pursuant to the Federal Arbitration Act (9 U.S.C. § 4), the Court SCHEDULES a summary trial limited to the question of formation of the arbitration agreements

for 9:00 a.m. on May 14, 2026. Before the summary trial, the parties are REFERRED to Magistrate Judge Peter B. Silvain, Jr. to oversee limited discovery that is narrowly tailored to the question of the arbitration agreements' validity. All discovery on this limited issue shall be COMPLETED by April 14, 2026. IT IS SO ORDERED. February 17, 2026 s/Michael J. Newman
Hon. Michael J. Newman United States District Judge