

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Doe v. Optum, Inc.

No. 3:25-cv-44-CAB-JLB (S.D. Cal. May 21, 2025) · No. 3:25-cv-44-CAB-JLB · Decided May 21, 2025

OPINION

Doe v. Optum, Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JOHN DOE, individually and on behalf of Case No.: 3:25-cv-44-CAB-JLB others similarly
situated, 12

ORDER GRANTING MOTION TO

Plaintiff,

13 COMPEL ARBITRATION

v. 14 [Doc. No. 10]

OPTUM, INC.,

15 Defendant. 16

17 On March 31, 2025, Defendant Optum, Inc., filed a motion to compel arbitration 18 pursuant
to the Federal Arbitration Act (“FAA”) and to stay the case. [Doc. No. 10.] On 19 April 18, 2025,
Plaintiff John Doe filed a notice of non-opposition to the motion. [Doc. 20 No. 11.] The Court has
subject matter over the case as Plaintiff alleges Defendant violated, 21 inter alia, a federal statute
—the Electronic Communications Privacy Act, 18 U.S.C. 22 § 2511(1). “A party seeking to
compel arbitration has the burden under the FAA to show 23

(1) the existence of a valid, written agreement to arbitrate; and if it exists, (2) that the
24 agreement to arbitrate encompasses the dispute at issue.” Ashbey v. Archstone Prop. 25 Mgmt.,
Inc., 785 F.3d 1320, 1323 (9th Cir. 2015). Defendant demonstrates that Plaintiff 26 used
Defendant’s website, created an online account, and agreed to its terms of use, which 27 included
an agreement to arbitrate. [Doc. No. 10-1 at 9–13.] The agreement notes that it 28 1 includes “any
claims relating to [the] [t]erms, or the Online Services.” [/d. at 13.] Plaintiff 2 alleges that
Defendant facilitated the tracking and interception of Plaintiff’s confidential 3 medical
information when Plaintiff used Defendant’s website, which qualifies as an online 4 ||service.
[Compl. §§ 94-102.] Accordingly, as a valid arbitration agreement that 5 ||encompasses the dispute
at issue exists, and Plaintiff does not oppose compelling 6 || arbitration, the Court GRANTS the

motion. 7 It is SO ORDERED. 8 9 || Dated: May 21, 2025 € Z 10 Hon. Cathy Ann Bencivengo
United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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