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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Ryan Jones,

10 Plaintiff,

11 vs.

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13 Darden Restaurants, Inc., a Florida
14 Corporation; GMRI, Inc., a Florida
15 corporation,

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15 Defendants.

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No. CV 11-01115-PHX-JAT

ORDER

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Pending before the Court is the Stipulation and Motion to Stay Case Pending
18 Completion of Arbitration (Doc. 16).

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On June 3, 2011, Plaintiff filed a Complaint in this Court requesting relief under Title
20 VII of the Civil Rights Act of 1964. (Doc. 1). In his Complaint, Plaintiff alleges that
21 Defendant wrongfully discriminated against him in the terms and conditions of his
22 employment and he was subjected to sexual harassment and a discriminatory hostile work
23 environment based on his sex. (*Id.* at 4). On August 23, 2011, the Parties filed a stipulation
24 with the Court conceding that this litigation is subject to mandatory arbitration pursuant to
25 contracts between the Parties.

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Although 9 U.S.C. section 3 directs the Court, upon application by one of the parties,
27 to grant a stay pending arbitration, the Court retains discretion to dismiss the case instead.
28 *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir.1988). Because all of Plaintiff's

1 claims are covered by binding agreements to arbitrate, the Court will dismiss his claims
2 without prejudice to reopen upon the conclusion of arbitration proceedings, if necessary.

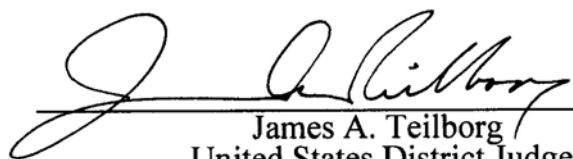
3 Based on the foregoing,

4 **IT IS ORDERED** that the Stipulation and Motion to Stay Case Pending Completion
5 of Arbitration is denied (Doc. 16).

6 **IT IS FURTHER ORDERED** that the parties are directed to proceed to arbitration
7 in accordance with the terms of the arbitration provisions governing Plaintiff's claims.

8 **IT IS FINALLY ORDERED** that this case is dismissed without prejudice. If the
9 Parties need to reappear before this Court for any reason relating to the arbitration of the
10 claims in Plaintiff's Complaint (Doc. 1), either party may move to reopen this case within
11 the applicable statute of limitations for review of an arbitration award.

12 DATED this 19th day of December, 2011.

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16 James A. Teilborg
17 United States District Judge
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