

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 10-cv-02073-MSK-BNB

JAMES CONNER,

Plaintiff,

v.

GENERAL STEEL DOMESTIC SALES, LLC d/b/a GENERAL STEEL CORPORATION,

Defendant.

ORDER

This matter arises on the defendant's **Motion to Stay Discovery, Vacate Scheduling/Planning Conference and Defer Fed. R. Civ. P. 16 Scheduling Process Pending Determination of Threshold Arbitration Issues** [Doc. # 14, filed 9/23/2010] (the "Motion to Stay"). The Motion to Stay is not opposed and is GRANTED.

This action involves the purchase and sale of a custom, pre-engineered steel building. A dispute arose between the parties concerning the building. The contract provides, however:

Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be resolved by arbitration before the Judicial Arbitration Group, Inc. in Denver, Colorado. The parties have agreed that all questions of arbitrability, including the validity and scope of the arbitration agreement, are reserved for arbitral rather than court determination. Arbitration of any controversy and confirmation of any arbitration award shall be only in Denver, Colorado. The party initiating arbitration shall advance all costs thereof. This agreement shall be governed by and interpreted in accordance with the laws of the State of Colorado. The Federal Arbitration Act shall govern the interpretation, enforcement, and proceedings pursuant to this arbitration agreement.

Motion to Compel Arbitration [Doc. # 3, filed 8/30/2010] at p. 2. Invoking the arbitration

clause, the defendant has moved to compel arbitration and to stay this action while that arbitration proceeds. Id. at p. 1. Significantly, the plaintiff has failed to respond to the Motion to Compel Arbitration. Thus, from the state of the current record, the Motion to Compel Arbitration appears to be well founded and unopposed, and I assume it will be granted. In view of these facts:

IT IS ORDERED that:

- (1) The Motion to Stay [Doc. # 14] is GRANTED;
- (2) The scheduling conference set for October 21, 2010, at 1:30 p.m., and all deadlines related to the scheduling conference are VACATED; and
- (3) The defendant shall file a status report on or before **October 15, 2010**, addressing whether an arbitration proceeding has been commenced, and quarterly thereafter addressing the status of the Motion to Compel Arbitration and any arbitration proceeding which may have been commenced.

Dated October 5, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge