

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MICHAEL D. SMITH,

Plaintiff,

v.

Case No: 3:13-cv-1194-J-32JBT

DAVISON DESIGN &
DEVELOPMENT, INC.,

Defendant.

ORDER

This case is before the Court on Defendant Davison Design & Development, Inc.'s Motion to Dismiss and Compel Arbitration or, in the Alternative, to Transfer Venue (Doc. 11), to which Plaintiff Michael D. Smith has filed a response (Doc. 17), and Davison has filed a reply (Doc. 23). On February 28, 2014, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 31) recommending that the motion be granted to the extent that Smith be compelled to submit his claims to arbitration, but denied to the extent that the case not be dismissed or transferred to the Western District of Pennsylvania, but rather stayed pending arbitration.

No objections have been filed, and the time in which to do so has now passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); M.D. Fla. R. 6.02(a). Upon independent review of the file, and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge (Doc. 31), it is therefore hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 31) is **ADOPTED** as the opinion of the Court.

2. Defendant Davison Design & Development, Inc.'s Motion to Dismiss and Compel Arbitration or, in the Alternative, to Transfer Venue (Doc. 11) is **GRANTED in part** to the extent that the parties will be ordered to submit to arbitration, and **DENIED in part** with respect to Davison's requests to dismiss this case or alternatively transfer it to the Western District of Pennsylvania.

3. The parties shall submit to arbitration as set forth in paragraph III.C of the Pre-Development and Representation Agreement and paragraph 6.A of the New Product Sample Agreement.

4. This case is **STAYED** pending the outcome of arbitration. The parties shall promptly notify the Court of the issuance of a final decision by the arbitrator, upon which either party may move to lift the stay.

5. The Clerk shall administratively close the file.

DONE AND ORDERED at Jacksonville, Florida, this 24th day of March, 2014.


TIMOTHY J. CORRIGAN
United States District Judge

bjb
Copies to:

Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of record