

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

JOSHUA L. DE JESUS PLAUD;
SAMANTHA BROWN; AMEERA
ALNABOUT; and PATRICK
FORD,

Plaintiffs,

v.

Case No. 6:16-cv-1459-Orl-37DCI

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

ORDER

This cause is before the Court on the parties' Joint Stipulation Regarding Defendant Chipotle Mexican Grill Inc.'s Motion to Dismiss and Compel Arbitration [D.E. 13] (Doc. 26), filed February 14, 2017.

Plaintiffs initiated this action on August 15, 2016, alleging violations of the Fair Labor Standards Act against Defendant, their employer. (Doc. 1.) Referencing employee arbitration agreements, Defendant moved the Court to dismiss the action and compel arbitration. (Doc. 13 ("**Motion to Compel Arbitration**").) In their response, Plaintiffs argued that they had neither seen nor assented to the aforementioned arbitration agreements. (Doc. 18.) Plaintiffs have since changed their position and now stipulate that the Court may grant the Motion to Compel Arbitration as unopposed and compel arbitration. (See Doc. 26 ("**Stipulation**").)

As Plaintiffs no longer contest that they assented to arbitration agreements that encompass the instant action, there is no longer a dispute for the Court to adjudicate. As such, the Motion to Compel Arbitration is now moot. The Court will construe the parties'


Stipulation as stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which the Court finds is due to be granted, with each party to bear its own costs and fees.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. The Parties' Joint Stipulation Regarding Defendant Chipotle Mexican Grill Inc.'s Motion to Dismiss and Compel Arbitration [D.E. 13] (Doc. 26), which the Court construes as a stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), is **GRANTED**.
2. This action is **DISMISSED**.
3. Defendant Chipotle Mexican Grill, Inc.'s Motion to Dismiss and Compel Arbitration (Doc. 13) is **TERMINATED AS MOOT**. The parties are referred to arbitration per their agreement.
4. The Clerk is **DIRECTED** to terminate all pending motions and close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 15, 2017.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record