

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

PHOSASSET GMBH,

Plaintiff,

v.

GULFSTREAM AEROSPACE
CORPORATION,

Defendant.

CIVIL ACTION NO.: 4:21-cv-205

ORDER

After a careful de novo review of the entire record, the Court concurs with the Magistrate Judge's June 13, 2022, Report and Recommendation, to which no party has filed an objection. (Doc. 26.) The Court **ADOPTS** the Report and Recommendation as its opinion. (Id.) For the reasons discussed by the Magistrate Judge, Defendant's Motion to Compel Arbitration is **GRANTED**. (Doc. 11.) Since the Court concludes that all of Plaintiff's claims are subject to a valid, written agreement to arbitrate, the Court must either "stay or dismiss" this action. See Lambert v. Austin Ind., 544 F.3d 1192, 1195 (11th Cir. 2008). The Eleventh Circuit has indicated that dismissal is appropriate where all of the underlying claims are subject to mandatory arbitration. See Caley v. Gulfstream Aerospace Corp., 333 F. Supp. 2d 1367, 1379 (N.D. Ga. 2004), aff'd, 428 F.3d 1359 (11th Cir. 2005) ("The weight of authority clearly supports dismissal of the case when all of the issues raised in the district court must be submitted to arbitration."). Because all of Plaintiff's claims are subject to arbitration, the Court exercises its discretion and **DISMISSES** Plaintiff's Complaint **without prejudice**. The Clerk of Court is **DIRECTED** to

CLOSE this case. The parties' joint motion requesting that the Court adopt the Report and Recommendation, is **DISMISSED** as moot. (Doc. 27.)

SO ORDERED, this 28th day of July, 2022.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA