

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JIMMIE THOMAS,**

**Plaintiff,**

**v.**

**I.C. SYSTEM, INC.,**

**Defendant.**

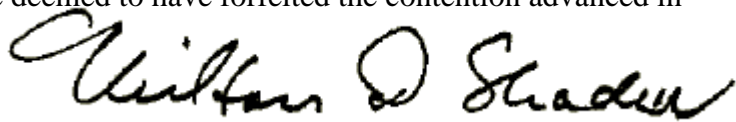
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 16 C 10152**

**MEMORANDUM ORDER**

Because counsel for both litigants were not in court at the same time during the previously scheduled December 22, 2016 status hearing in this action, this Court was unable to discuss with both sides a question raised by the Answer and Affirmative Defenses filed a few days earlier by defendant I.C. System, Inc. (“I.C. System”) That inability resulted in the entry of a simple minute order setting a new status date, so that this memorandum order is issued sua sponte to address the question posed by the first Affirmative Defense (“AD”).

That AD asserts the existence of an agreement under which plaintiff Jimmie Thomas (“Thomas”) assertedly “agreed to resolve any and all disputes or claims related to his account, including those claims being asserted in this case, via arbitration.” If that is indeed the case, the parties are obligated to pursue that path in the first instance rather than following the litigation course chosen by Thomas. This Court therefore anticipates the swift filing of a motion on that score by IC System, failing which it will be deemed to have forfeited the contention advanced in its AD 1.



Milton I. Shadur  
Senior United States District Judge

Date: December 27, 2016