

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DAVID BREEDEN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:09-cv-0913-DFH-TAB
)	
DELTA FAUCET COMPANY,)	
)	
Defendant.)	

**ENTRY ON MOTION TO DISMISS
AND TO COMPEL ARBITRATION**

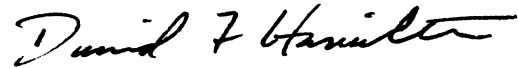
Defendant Delta Faucet Company has moved to dismiss and to compel arbitration of plaintiff David Breeden’s claims against it, including a claim for age discrimination in violation of the Age Discrimination in Employment Act. 29 U.S.C. § 621 *et seq.* Plaintiff has not responded, and the motion is ripe for ruling.

For the reasons set forth in defendant’s brief, the court concludes that all claims asserted here are subject to arbitration. The court therefore dismisses the case without prejudice. If there is an insurmountable obstacle to pursuing plaintiff’s claims through arbitration, it is at least possible that Rule 60(b) of the Federal Rules of Civil Procedure might offer some relief.

The court grants defendant's motion and will enter final judgment dismissing plaintiff's claims without prejudice.

So ordered.

Date: October 8, 2009



**DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana**

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