

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON**

CIVIL ACTION NO. 13-31-DLB-JGW

JAMES WHALEY

PLAINTIFF

vs.

ORDER ADOPTING REPORT & RECOMMENDATION

T-MOBILE, USA, INC.

DEFENDANT

*** **

This matter is before the Court upon the Magistrate Judge's Report and Recommendation (Doc. # 17), wherein he recommends that the Court grant Defendant's Motion to Compel Arbitration (Doc. # 8). The Magistrate Judge's recommendation is based on his conclusion that Plaintiff entered an agreement to arbitrate his Telephone Consumer Protection Act claim brought in the above-styled matter by agreeing to an arbitration clause in a set of terms and conditions proposed by Defendant T-Mobile, USA, Inc..

No objections having been filed to the Magistrate Judge's Report and Recommendation, and the time to do so having now expired, the matter is ripe for the Court's review. Having reviewed the Report and Recommendation, and concluding that it is sound in all respects, and the Court being otherwise sufficiently advised,

IT IS ORDERED as follows:

(1) The Magistrate Judge's Report and Recommendation (Doc. # 17) is hereby **ADOPTED** as the Opinion of the Court;

(2) Defendant's Motion to Compel Arbitration (Doc. # 8) is hereby **GRANTED**;

(3) Plaintiff is hereby **ORDERED** to submit to arbitration as required by the Arbitration Policy; and

(4) This matter is hereby **STAYED** pending arbitration. The parties shall file a joint status report within thirty (30) days from the arbitrator's final decision advising the Court of the outcome of the arbitration.

This 12th day of September, 2013.



Signed By:

David L. Bunning *DB*

United States District Judge

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