

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA
2009 FEB 18 P 2:22

RAYMOND JORDAN

VERSUS

MMR-CONSTRUCTORS, INC.

CIVIL ACTION

NO. 08-485-JJB

RULING AND ORDER

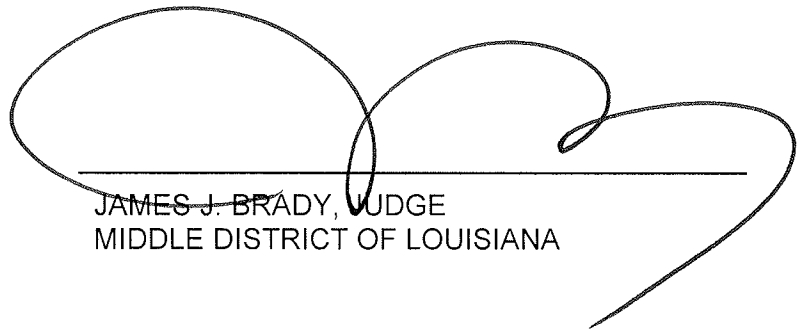
Considering the motions by MMR Constructors for reconsideration (doc. 29) and for oral argument (doc. 30);

The court finds that there is no need for oral argument. The linchpin of the motion for reconsideration (as stated in defendant's motion) "involves the availability of discovery when the issue is interpretation of an arbitration agreement." As the court previously indicated in its order of February 11, 2009, issues relative to discovery (including any motion for protective order) should first be presented to the magistrate judge. Indeed, the magistrate judge has scheduled a status conference to discuss "completing discovery on the issue of the validity of the arbitration agreement." Doc. 31. Following resolution of said discovery issues, defendant may seek to enforce the arbitration agreement by such motion as it deems appropriate. Any and all questions relative to the proper motion (Rule 12(b)(1) or 12(b)(3) or Rule 56) to request enforcement of the agreement should be addressed at that time.

Accordingly, the motion for oral argument (doc. 30) is hereby DENIED and the motion for reconsideration (doc. 29) is hereby GRANTED in part to the extent that the court leaves any and

all questions relative to the proper motion to request enforcement of the agreement for a later date,
following resolution of the discovery issues.

Baton Rouge, Louisiana, February ^{25th}, 2009.



A large, stylized handwritten signature in black ink, consisting of several loops and a long trailing stroke, positioned above a horizontal line.

JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA