

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PAUL C. TRAYLOR

VERSUS

D.R. HORTON, INC.

CIVIL ACTION

NO. 08-840-C

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated January 12, 2010. Plaintiff has filed an objection which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the defendant's motion to dismiss or, alternatively, motion to refer to binding arbitration (rec. doc. 17) is denied in part as to the motion to dismiss and granted as to the motion to refer to binding arbitration those issues the arbitrator determines to be arbitrable. Further, the plaintiff's cross motion for partial summary judgment (rec. doc. 19) is dismissed without prejudice pending arbitration and this matter is stayed until the conclusion of the arbitration proceeding.

Baton Rouge, Louisiana, March 29, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA