

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARCAL BOLDEN

VERSUS

BERRY CONTRACTING, LP

CIVIL ACTION

NO. 10-531-BAJ-DLD

RULING ON MOTION TO DISMISS

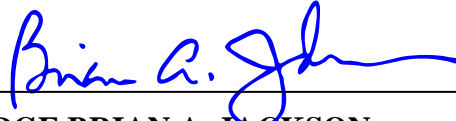
This matter is before the Court on a motion to dismiss or stay pending arbitration filed by defendant, Berry Contracting, LP (“Defendant”) (doc. 13). Plaintiff, Marcal Bolden (“Plaintiff”), has neither opposed Defendant’s motion to dismiss or stay pending arbitration, nor responded to the Court’s order of May 24, 2011 to file a joint summary of relevant issues (doc. 16). Plaintiff filed this action on July 28, 2010, claiming violation of La. Rev. Stat. § 23:1361 and La. Civ. Code art. 2315 (doc. 1). Defendant raised the affirmative defense of arbitration in its answer filed on September 13, 2010 (doc. 5).

“Federal courts have supported [a] strong policy in favor of arbitration.” *Lim v. Offshore Specialty Fabricators, Inc.*, 404 F.3d 898, 906 (5th Cir. 2005). *See also Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20, 26 (1991). Defendant has submitted a copy of an arbitration agreement between the parties and Plaintiff has failed to set forth any reason why that agreement is not enforceable.

CONCLUSION

Accordingly, the motion to dismiss (doc. 13) is hereby **GRANTED**, and this matter shall be dismissed with prejudice.

Baton Rouge, Louisiana, June 14, 2011.



**JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**