

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RANDY ELL

CIVIL ACTION

VERSUS

NO. 15-230-JJB-RLB

TURNER INDUSTRIES GROUP, LLC

ORDER

Before the Court is a Rule 12(b)(1) Motion to Dismiss and Compel Arbitration (Doc. 5) filed by the defendant, Turner Industries Group, LLC (“Turner”). Alternatively, Turner asks the Court to stay the case pending arbitration. The plaintiff opposes the motion. Pl.’s Opp’n 1, Doc. 9.

Having reviewed the case law relevant to the parties’ arguments, **IT IS HEREBY ORDERED** that both parties provide supplemental memoranda within 21 days (not to exceed 20 pages) addressing whether an employee’s Title VII claim can be subject to compulsory arbitration in light of *Alexander v. Gardner-Denver Co.*, 415 U.S. 36 (1974), *Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20 (1991), *Alford v. Dean Witter Reynolds, Inc.*, 939 F.2d 229 (5th Cir. 1991), *14 Penn Plaza LLC v. Pyett*, 556 U.S. 247 (2009), and *Murphy Oil USA, Inc. v. N.L.R.B.*, No. 14-60800, 2015 WL 6457613 (5th Cir. Oct. 26, 2015). Parties should discuss the relevant distinctions and similarities of the relevant contracts at issue in the cases listed above; Parties should specifically address the relevant distinctions of contracts between an employer and an individual employee, versus collectively bargained contracts between the employer and an employees’ union. Parties should also address whether the arbitration clause at issue in this case is unconscionable or unenforceably adhesive under Louisiana law, including a discussion of public policies in favor of permitting mandatory arbitration of Title VII claims versus holding such clauses unenforceable.

The defendants' Motion to Dismiss (Doc. 5) is **DEFERRED** until the Court has the opportunity to consider the supplemental memoranda submitted by the parties.

Signed in Baton Rouge, Louisiana, on November 17, 2015.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**