

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BADE ALLI,

Plaintiff,

No. 07-CV-10670-DT

vs.

Hon. Gerald E. Rosen

ESTATE OF MARTIN H. SAVITZ, et al.,

Defendants.

ORDER ADOPTING, WITH MODIFICATION, THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, COMPELLING BINDING ARBITRATION,
AND DISMISSING THIS CASE, WITHOUT PREJUDICE

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on November 20, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the October 22, 2009 Report and Recommendation of United States Magistrate Mona K. Majzoub recommending that the Court deny Defendants' motion for summary judgment but that it grant Defendants' alternative request for an Order to Compel Binding Arbitration and stay proceedings against Defendants Neurological Diplomates PC Retirement Fund a/k/a Rockland Fund ("NDPC") and Neurological Consultant PC Retirement Fund ("NCPC") pending completion of the arbitration of Plaintiff's claims against Defendant Harmony Savitz and the Estate of Martin Savitz; and the Court having reviewed and considered the Magistrate Judge's Report and Recommendation, Defendants' Objections and Plaintiff's Response thereto, and the Court's

entire record of this matter, and having determined that Plaintiff's Motion to Compel Arbitration should be granted but that, in lieu of staying proceedings, this case should be dismissed, without prejudice to Plaintiff's right to move to re-open this case if the binding arbitration does not resolve Plaintiff's claims against Defendants NDPC and NCPC,

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendants' objections to the Magistrate Judge's Report and Recommendation and Order of October 22, 2009 are OVERRULED.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation of October 22, 2009 [**Dkt. #63**] be, and hereby is, adopted by this Court, with the modification set forth herein.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Summary Judgment [**Dkt. No. 54**] be, and hereby is, DENIED, but Defendants' alternative request contained therein for an Order to Compel Binding Arbitration of Plaintiff's claims is GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff shall submit his claims against Defendants to binding arbitration as called for in Paragraph 16 of the November 1, 2002 Contract executed by Plaintiff and Martin H. Savitz.

IT IS FURTHER ORDERED that this case is DISMISSED, without prejudice, to Plaintiff's right to move to re-open this action if the binding arbitration does not resolve Plaintiff's claims against Defendants Neurological Diplomates PC Retirement Fund a/k/a Rockland Fund and Neurological Consultant PC Retirement Fund.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: November 20, 2009

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

James L. Elsmar, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Alli Bade, 485 Allard, Grosse Pointe Woods, MI 48236.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137