

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Robert Harris,

Plaintiff,

v.

Case No. 13-14739

Sirius XM Radio, Inc.,

Honorable Sean F. Cox

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL ARBITRATION AND
DISMISSING PLAINTIFF'S COMPLAINT**

This is a consumer protection case. On November 15, 2013, Plaintiff Robert Harris ("Plaintiff" or "Harris") filed a single count complaint (Doc. #1), alleging that Defendant Sirius XM Radio, Inc. ("Defendant" or "Sirius") violated the Telephone Consumer Protection Act ("TCPA") by initiating automated telephone calls to Plaintiff's cell phone without his prior consent.

On January 28, 2014, Defendant filed a Motion to Dismiss Complaint and Compel Arbitration (Doc. #6), arguing that the parties' dispute is subject to a contractual dispute resolution scheme, including a mandatory arbitration agreement. Plaintiff agrees that his claim is arbitrable. (Doc. #15). The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid in the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Ct., E.D. Mich. Therefore, the Court orders that the motion shall be decided upon the briefs.

Because the parties agree that Plaintiff's claim is arbitrable, this Court shall GRANT Defendant's Motion to Compel Arbitration. The Court further ORDERS that Plaintiff's Complaint (Doc. #1) is hereby DISMISSED WITHOUT PREJUDICE. *See Hensel v. Cargill Inc.*, 198 F.3d

245 at *4 (6th Cir. 1999) (“[L]itigation in which all claims are referred to arbitration may be dismissed.”)

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 15, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 15, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager