

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BIG CITY, SMALL WORLD  
BAKERY CAFÉ, LLC,

Plaintiff,

No. 16-cv-12652

vs.

Hon. Gerald E. Rosen

FRANCIS DAVID CORPORATION  
d/b/a ELECTRONIC MERCHANT  
SYSTEMS,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DENYING DEFENDANT'S MOTION TO  
DISMISS OR STAY PROCEEDINGS PENDING ARBITRATION AS MOOT

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on January 6, 2017

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This matter having come before the Court on the November 22, 2016 Report and Recommendation of United States Magistrate Judge David R. Grand recommending that Defendant's Motion to Dismiss or Stay Proceedings Pending Arbitration be denied as moot; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and

Recommendation of November 22, 2016 [**Dkt. # 28**] is adopted by the Court.

Accordingly, for the reasons stated by the Magistrate Judge,

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss or Stay Proceedings Pending Arbitration [**Dkt. # 9**] is denied as MOOT.

s/Gerald E. Rosen  
United States District Judge

Dated: January 6, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 6, 2017, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135