

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACIE HOLMES,

Plaintiff,

Case No. 16-cv-13164
Hon. Matthew F. Leitman

v.

KELLY SERVICES USA, LLC *et al.*

Defendants.

**ORDER TERMINATING AS MOOT AND WITHOUT PREJUDICE
DEFENDANTS' MOTIONS TO COMPEL ARBITRATION (ECF ## 13, 43)**

On October 4, 2016, and February 13, 2017, Defendants filed motions to dismiss Plaintiff's Complaint and/or to compel Plaintiff to arbitrate this dispute. (*See* ECF ## 13, 43.) Since Defendants filed these motions, the United States Court of Appeals for the Sixth Circuit issued its decision in *Gaffers v. Kelly Services, Inc.*, 900 F.3d 293 (6th Cir. 2018). *Gaffers* appears to control resolution of these motions. In discussions the Court has had with counsel for all parties, counsel for Plaintiff has indicated that Plaintiff would stipulate to withdrawing her claims in this Court and re-filing them in arbitration. Accordingly, based on Plaintiff's counsel's representations, the Court will **TERMINATE AS MOOT** Defendants' pending motions to dismiss and/or to compel arbitration. (*See* ECF ## 13, 43.) This

termination is **WITHOUT PREJUDICE**. Defendants may re-file these motions, in necessary, if Plaintiff does not withdraw her claims in this action.

IT IS SO ORDERED.

Dated: September 27, 2018

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 27, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764