

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MULTIPLAN, INC., and PRIVATE
HEALTHCARE SYSTEMS, INC.**

**PLAINTIFFS/
COUNTER-DEFENDANTS**

v.

CAUSE NO. 1:14CV315-LG-RHW

**STEVEN W. HOLLAND, doing business as
Physical Therapy Clinic of Gulfport**

**DEFENDANT/
COUNTER-PLAINTIFF**

**ORDER GRANTING JOINT MOTION TO VACATE THE
MEMORANDUM OPINION AND ORDER REFERRING
THE PARTIES' CLAIMS TO ARBITRATION**

BEFORE THE COURT is the Joint Motion [88] to Vacate the Memorandum Opinion and Order Concerning the Parties' Motions to Dismiss [64] to the extent that the opinion referred some of the claims and counterclaims filed in this action to arbitration. The right to arbitration, like any other contract right, can be waived. *Miller Brewing Co. v. Fort Worth Distrib. Co.*, 781 F.2d 494, 497 (5th Cir. 1986). The parties have waived their right to arbitration and have agreed that it would be in the best interest of the parties and in the interest of judicial economy to adjudicate all claims and counterclaims filed in this action in the same forum.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Joint Motion [88] to Vacate the Memorandum Opinion and Order Concerning the Parties' Motions to Dismiss [64] is **GRANTED** to the extent that the opinion referred some of the claims and counterclaims filed in this action to arbitration. All claims filed by Multiplan, Inc., and Private Healthcare Systems, Inc., and all counterclaims filed by Steven W. Holland in this lawsuit shall be adjudicated before this Court

pursuant to the agreement of the parties.

SO ORDERED AND ADJUDGED this the 2nd day of October, 2015.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE