

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

CARL LEE

PLAINTIFF

v.

CAUSE NO. 1:17CV272-LG-RHW

**BROCK SERVICES and
BROCK SERVICES, LLC**

DEFENDANTS

**ORDER GRANTING DEFENDANT'S MOTION TO
STAY OR DISMISS PROCEEDINGS AND COMPEL ARBITRATION**

THE MATTER BEFORE THE COURT is the [12] Motion to Stay Proceedings and Compel Arbitration filed by Brock Services, LLC in this employment discrimination case. Brock contends that the plaintiff agreed to arbitrate any claim arising out of his employment by signing Brock's Dispute Resolution Agreement as a condition of employment. Brock seeks either a stay or dismissal with prejudice of plaintiff's claims. There has been no response filed by the plaintiff.

Review of the Dispute Resolution Agreement attached to Brock's Motion shows that the plaintiff agreed to arbitrate any claim "arising out of or related to employment or termination of employment with The Brock Group." (Def. Mot. Ex. B 1, ECF No. 13-2). The plaintiff was not prohibited from first filing a charge of discrimination with the Equal Employment Opportunity Commission or the National Labor Relations Board, but he was required to then make a claim in arbitration rather than "by way of court or jury trial." (*Id.*). The Title VII, Americans with Disabilities Act, and statutory 42 U.S.C. § 1981 claims brought in this case are expressly included in and subject to the Dispute Resolution

Agreement, (*see id.* (¶1)), and the agreement to arbitrate these claims is enforceable. *See Rojas v. TK Commc'ns, Inc.*, 87 F.3d 745, 748 (5th Cir. 1996) (Title VII); *Miller v. Pub. Storage Mgmt., Inc.*, 121 F.3d 215, 218 (5th Cir. 1997) (ADA); *Pleasant v. Houston Works USA*, 236 F. App'x 89, 92, n.1 (5th Cir. 2007) (Title VII and § 1981).

The Fifth Circuit holds that “dismissal is appropriate ‘when all of the issues raised in the district court must be submitted to arbitration.’” *Adam Techs. Int’l S.A. de C.V. v. Sutherland Glob. Servs., Inc.*, 729 F.3d 443, 447, n.1 (5th Cir. 2013). *See also Pleasant*, 236 F. App'x at 93. Accordingly, the Court will dismiss plaintiff’s claims with prejudice, for resolution by arbitration.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant’s [12] Motion to Stay Proceedings and Compel Arbitration filed by Brock Services, LLC is **GRANTED**. Plaintiff’s claims are **DISMISSED** with prejudice for resolution by arbitration.

SO ORDERED AND ADJUDGED this the 9th day of April, 2018.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE