

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY CAMDEN  
VICINAGE

CAROLINE KABEL KOTLER,  
Plaintiff,

v.

DAVID T. SHULICK, et al.,  
Defendants.

Civil No. 19-17382 (RMB/AMD)

**OPINION**

**APPEARANCES:**

DENNIS E. BLOCK, ESQ.  
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Turnersville, New Jersey 08012  
Counsel for Plaintiff

DAVID T. SHULICK, ESQ., *pro se*  
1499 Wesleys Run  
Gladwynne, Pennsylvania 19035

**BUMB, UNITED STATES DISTRICT JUDGE:**

This matter comes before the Court upon Defendants' Motion to Dismiss this legal malpractice suit "pursuant to a binding arbitration agreement." [Docket No. 3]<sup>1</sup> In an Order to Show Cause dated November 13, 2019, this Court directed Plaintiff to demonstrate why this case should not be dismissed in favor of

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<sup>1</sup> "[W]hen it is apparent, based on the face of a complaint, and documents relied upon in the complaint, that certain of a party's claims are subject to an enforceable arbitration clause, a motion to compel arbitration should be considered under a Rule 12(b)(6) standard without discovery's delay." Guidotti v. Legal Helpers Debt Resolution, L.L.C., 716 F.3d 764, 776 (3d Cir. 2013).

arbitration. The Court explicitly warned that “[f]ailure to timely respond to this Order shall be deemed consent to arbitrate the claims asserted in this case.” [Docket No. 15] Plaintiff’s response was due on November 23, 2019. To date, no response has been filed. Thus, the Court will grant Defendants’ Motion to Dismiss. An Order accompanies this Opinion.

November 25, 2019

s/ Renée Marie Bumb  
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE