

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARGARET McREYNOLDS,

Plaintiff,

vs.

Civ. No. 17-31 KG/SMV

PEAK BEHAVIORAL SERVICES, LLC,

Defendant.

ORDER COMPELLING ARBITRATION AND DISMISSING CASE


This matter comes before the Court upon Defendant's Opposed Motion to Dismiss and Compel Arbitration, filed on January 19, 2017. (Doc. 3). Plaintiff filed a response on February 9, 2017, and Defendant filed a reply on February 23, 2017. (Docs. 10 and 11). On May 2, 2017, the Court held a hearing on the Motion at which Jonathan Baeza represented Plaintiff and Jose Howard-Gonzalez represented Defendant.

Having consider the Motion, the briefing, and the argument of counsel at the May 2, 2017, hearing, and for the reasons stated on the record at that hearing,

IT IS ORDERED that

1. Defendant's Opposed Motion to Dismiss and Compel Arbitration (Doc. 3) is granted;
2. Plaintiff's request for discovery of the Employee Handbook is denied;
3. Plaintiff is compelled to engage in arbitration of her employment claims as provided in the Arbitration Agreement she signed on April 13, 2013, (Doc. 3-1) at 4; and

4. this lawsuit is dismissed without prejudice.¹



UNITED STATES DISTRICT JUDGE

¹ The Tenth Circuit has intimated that a district court may dismiss a lawsuit when all claims are arbitrable and the movant specifically requests dismissal rather than a stay. *See Armijo v. Prudential Insurance Co. v. America*, 72 F.3d 793, 796–97 (10th Cir.1995) (finding appellate jurisdiction over order dismissing case in which all claims referred to arbitration; distinguishing *Adair Bus Sales, Inc. v. Blue Bird Corp.*, 25 F.3d 953, 954–55 (10th Cir.1994), because defendant had not requested dismissal). Those two prerequisites are satisfied here. I, therefore, find it proper to dismiss Plaintiff’s claims and this action.