

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:17-CV-139-FL

TAMMY B. THOMPSON,)
)
Plaintiff,)
)
v.)
)
AT&T MOBILITY SERVICES LLC and)
CHRISTOPHER GOUGH,)
)
Defendants.)

ORDER

This matter is before the court on defendants’ motion to compel arbitration and stay proceedings (DE 10). Where plaintiff did not respond and the response time has passed, the issues raised are ripe for ruling.

BACKGROUND

Plaintiff commenced suit in Cumberland County Superior Court on February 20, 2017, against defendants, who are her former employer and a manager thereof, asserting that she was terminated from her employment because of her race, age, disability, and in retaliation for engaging in protected activity, in violation of federal statutes, state statutes, and the North Carolina Constitution. Plaintiff seeks trial by jury, compensatory damages, and punitive damages, among other relief. Defendants removed to this court on March 23, 2017, and filed an answer on May 1, 2017. Defendants filed the instant motion on May 23, 2017, asserting that plaintiff’s claims fall within the scope of a binding arbitration agreement.

COURT'S DISCUSSION

“A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition” the court “for an order directing that such arbitration proceed in the manner provided for in such agreement.” 9 U.S.C. § 4. “If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement.” 9 U.S.C. § 3.

Here, plaintiff agreed to arbitrate “any claim that [she] may have against [defendants]” pursuant to a “Management Arbitration Agreement.” (DE 11-1 at 9). Because plaintiff has refused to submit her claims to arbitration, and because all of plaintiff’s claims in this lawsuit are arbitrable, defendant’s are entitled to an order compelling arbitration under the agreement and staying proceedings pending outcome of arbitration.

CONCLUSION

Based on the foregoing, defendants’ motion to compel arbitration and stay proceedings is GRANTED. The clerk is DIRECTED to STAY this action pending arbitration. The parties are DIRECTED to file a joint status report within **180 days** of the date of this order, and every 180 days thereafter until arbitration is completed, providing a summary of the status of arbitration proceedings.

SO ORDERED, this the 26th day of June, 2017.


LOUISE W. FLANAGAN
United States District Judge