

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MONICA M. RIDER,	:	
Plaintiff,		
v.	:	Case No. 3:21-cv-77
AMERIT FLEET SOLUTION, INC., <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

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DECISION AND ENTRY SUSTAINING PLAINTIFF'S MOTION TO  
VACATE (DOC. #12); VACATING ORDER GRANTING  
DEFENDANT'S MOTION TO COMPEL ARBITRATION (DOC. #11)  
AND ORDER ADMINISTRATIVELY PROCESSING CASE (DOC. #10);  
PLAINTIFF TO FILE MEMORANDUM IN OPPOSITION TO MOTION  
TO COMPEL ARBITRATION WITHIN 21 DAYS OF THE DATE OF  
THIS DECISION AND ENTRY

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On April 16, 2021, Defendant Amerit Fleet Solution, Inc., filed a Motion to Compel Arbitration and Stay Action or, in the alternative, to Dismiss. Doc. #5. When Plaintiff failed to file a memorandum in opposition to the motion, the Court sustained the motion to compel arbitration, Doc. #11, and administratively processed the case, Doc. #10.


It was not until Plaintiff received the Court's orders that she learned that Defendant had filed the motion to compel arbitration. When she came to the courthouse to inquire about the Orders, it was discovered that counsel for Defendant failed to mail a hard copy of the motion to Plaintiff, who is proceeding

*pro se*. The Certificate of Service indicates that he believed that Plaintiff would be served through the Court's electronic filing system. *See* Doc. #5, PageID#37.

This matter is currently before the Court on Plaintiff's Motion to Vacate the Order sustaining the Motion to Compel Arbitration and the Order administratively processing the case. Doc. #12. Given that these Orders were entered before Plaintiff was served with a copy of the Motion to Compel Arbitration, the Court SUSTAINS Plaintiff's motion, and VACATES Documents 10 and 11.

Plaintiff shall have twenty-one (21) days from the date of this Decision and Entry to file a memorandum in opposition to Defendant's Motion to Compel Arbitration and Stay Action or, in the alternative, Motion to Dismiss, Doc. #5.<sup>1</sup>

Date: May 24, 2021

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff has indicated that she obtained a copy of Defendant's motion on May 20, 2021, when she visited the Clerk of Court.