

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DXP ENTERPRISES, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-14-1112
	§	
GOULDS PUMPS, INC.,	§	
	§	
Defendant.	§	

ORDER

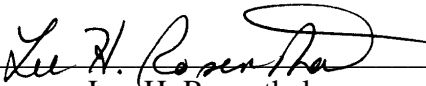
On November 4, 2014, the court granted Goulds Pumps, Inc.'s motion to dismiss or to stay litigation pending arbitration. (Docket Entry No. 30). The court ordered the parties to submit statements identifying reasons the case should not be dismissed in favor of arbitration.

Goulds Pumps filed a statement in support of dismissal, informing the court that the parties have begun arbitrating their disputes and that the arbitrator is competent to award injunctive relief. (Docket Entry No. 31). DXP argues that the court should stay the litigation rather than dismissing it because the parties might request temporary injunctive relief or final relief confirming an arbitration award at some point in the future. (Docket Entry No. 32). The court previously denied DXP's motion for a preliminary injunction, (Docket Entry No. 25), and there are no other requests for relief currently pending in this case. Post-arbitration remedies are appropriately sought in a later action. *See Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5th Cir. 1991) (quoting *Sea-Land Service, Inc. v. Sea-Land of Puerto Rico, Inc.*, 636 F. Supp. 750, 757 (D. Puerto Rico 1986)).

This case is dismissed, without prejudice, in favor of arbitration. DXP may re-file if it

intends to assert a claim against Goulds Pumps in the future.

SIGNED on January 29, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge