

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD

ANGELA DYSON,

Plaintiff,

v.

CIVIL ACTION NO. 1:09-1060

LONG JOHN SILVER'S  
RESTAURANTS, INC.<sup>1</sup>, et al.,

Defendants;

and

ANGELA DYSON,

Plaintiff,

v.

CIVIL ACTION NO. 1:09-1352

LONG JOHN SILVER'S  
RESTAURANTS, INC., et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to dismiss this proceeding, or in the alternative, stay this proceeding and motion to compel arbitration, filed on October 28, 2009. (Doc. # 6). Plaintiff did not file a brief in response to defendant's motion. She did, however, file a Complaint for Declaratory Judgment and Relief, seeking a declaration by the court that the Dispute Resolution Program, which is the basis of LJS's motion to compel arbitration, should not be enforced for a variety of

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<sup>1</sup> According to defendant, it is incorrectly named in the Complaint and the proper name is LJS Restaurants, Inc.

reasons. On May 28, 2010, the court consolidated the two cases. Thereafter, on June 3, 2010, defendant LJS filed a supplemental brief in support of the motion to compel arbitration. For reasons appearing to the court and in an effort to decide the arbitration issue as soon as possible, plaintiff is hereby informed that she may, if she wishes, file a response to the pending motion to dismiss this proceeding, or in the alternative, stay this proceeding and motion to compel arbitration. Any response must be filed within fourteen days of this Memorandum Opinion and Order.

The Clerk is directed to send copies of this Memorandum Opinion to counsel of record

**IT IS SO ORDERED** this 7th day of June, 2010.

ENTER:



David A. Faber

Senior United States District Judge