

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale Division

Case Number: 18-62988-CIV-MORENO

REBECCA GONZALEZ,

Plaintiff,

vs.

AA VARCO MOVING & STORAGE, INC., a
Florida Profit Corporation, JOSEPH VARCO,
individually, and CYNTHIA VARCO,
individually,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE SELTZER'S REPORT AND
RECOMMENDATION, AND ORDER CLOSING CASE FOR STATISTICAL
PURPOSES AND PLACING MATTER IN CIVIL SUSPENSE FILE**

THE MATTER was referred to the Honorable Barry S. Seltzer, United States Magistrate Judge, for a Report and Recommendation on Defendant's Motion to Dismiss or to Compel Arbitration, filed on **January 31, 2019**. The Magistrate Judge filed a Report and Recommendation (D.E. 9) on **March 18, 2019**. The Court has reviewed the entire file and record. The Court notes that no party objected to the Magistrate Judge's Report and Recommendation. Being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Barry S. Seltzer's Report and Recommendation is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that the Defendants' Motion to Dismiss or to Compel Arbitration is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Defendants' Motion to Dismiss is **GRANTED** as to Plaintiff's FLSA claims accruing after March 7, 2018. Accordingly, the Parties are **ORDERED** to arbitrate these claims; and
- (2) Defendants' Motion to Dismiss is **DENIED** in all other respects.

It is further

ADJUDGED that in light of the Plaintiff's claims proceeding to arbitration, the Court finds it advisable to place in civil suspense the claims remaining in this proceeding, until the conclusion of arbitration. Accordingly,

- (1) The Clerk of this Court shall mark this cause as closed for statistical purposes and place the matter in a civil suspense file;
- (2) The Court shall retain jurisdiction and the case shall be restored to the active docket upon motion of a party if circumstances change so that this action may proceed to final disposition;
- (3) This Order shall not prejudice the rights of the parties to this litigation; and
- (4) Plaintiff SHALL notify the Court by **August 15, 2019**, and every three (3) months thereafter of the current status of the proceedings and when this action is ready to proceed.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th of April 2019.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Barry S. Seltzer

Counsel of Record