

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_

\_\_\_\_\_ COUNTY

\_\_\_\_\_ ,

Plaintiff,

v.

Case No.: \_\_\_\_\_

,

Defendant.

\_\_\_\_\_/

## MOTION TO COMPEL ARBITRATION

Plaintiff, \_\_\_\_\_, by and through undersigned counsel, hereby moves this Honorable Court for an Order compelling Defendant, \_\_\_\_\_, to submit the dispute between the parties to arbitration and to stay all proceedings in this action pending the outcome of said arbitration, and as grounds therefore states:

### I. PROCEDURAL POSTURE

1. This is an action for \_\_\_\_\_.
2. The parties to this action are Plaintiff, \_\_\_\_\_, and Defendant, \_\_\_\_\_.
3. This Court has jurisdiction over the parties and the subject matter of this action.

## II. FACTUAL BACKGROUND

4. On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, Plaintiff and Defendant entered into a written agreement (hereinafter, the "Agreement") concerning \_\_\_\_\_ . A true and accurate copy of the Agreement is attached hereto as Exhibit A.
5. The Agreement contains a mandatory arbitration clause, specifically at Paragraph \_\_\_\_\_, which states, in pertinent part: "Any dispute or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by \_\_\_\_\_ in accordance with its \_\_\_\_\_ Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof."
6. A dispute has arisen between Plaintiff and Defendant regarding \_\_\_\_\_ .
7. Plaintiff has attempted to initiate arbitration with Defendant in accordance with the terms of the Agreement, specifically by \_\_\_\_\_ .
8. Defendant has refused and continues to refuse to participate in arbitration, thereby breaching the terms of the Agreement and frustrating the parties' contractual intent to resolve disputes through arbitration.

## III. GROUNDS FOR RELIEF

9. The Agreement between Plaintiff and Defendant is a valid and enforceable contract.
10. The arbitration clause contained within the Agreement is clear, unambiguous, and binding upon both parties.
11. The dispute between Plaintiff and Defendant falls squarely within the scope of the arbitration clause, as it arises out of or relates to the Agreement.
12. Applicable law, including state and federal statutes and case law, strongly favors the enforcement of valid arbitration agreements.
13. By refusing to participate in arbitration, Defendant is in breach of the Agreement and is

attempting to circumvent the agreed-upon dispute resolution mechanism.

14. This Court has the authority to compel arbitration and to stay the litigation pending the completion of arbitration, pursuant to its inherent powers and applicable statutory provisions governing arbitration.

15. Compelling arbitration will uphold the sanctity of contracts, promote judicial economy, and ensure that the parties resolve their dispute in the manner to which they mutually agreed.

#### **IV. RELIEF REQUESTED**

**WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order:**

- a. Compelling Defendant, \_\_\_\_\_, to submit the dispute between the parties to arbitration in accordance with the terms of the Agreement;
- b. Staying all proceedings in this action pending the completion of said arbitration; and
- c. Granting such other and further relief as this Court deems just and proper.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted,

---

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Bar No.:** \_\_\_\_\_

**Attorney for Plaintiff Address:**

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Arbitration has been furnished by  U.S. Mail /  Hand Delivery /  Electronic Mail /  Facsimile to:

**Recipient:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

Attorney for Defendant

on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**Signature:** \_\_\_\_\_