

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2010 JUN 24 AM 8:48

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____

DEPUTY

MEDICUS INSURANCE,
PLAINTIFF,

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V.

CIVIL NO. A-10-CA-277-LY

GREENLIGHT REINSURANCE, LTD.,
DEFENDANT.

ORDER

Before the Court are Plaintiff's Motion for Reconsideration of Order Granting Motion to Compel Arbitration filed June 8, 2010 (Doc. #9) and Defendant Greenlight Reinsurance, Ltd.'s Response to Medicus' Motion for Reconsideration filed June 18, 2010 (Doc. #14). In its motion, Plaintiff Medicus Insurance Co. argues that Article 8 of contract at issue in this cause controls over the valid agreement to arbitrate contained in the contract.

The Court notes that Plaintiff failed to file a response Defendant's Motion to Compel Arbitration and Stay Proceedings filed April 30, 2010 (Doc. #3). After reviewing the pleadings and the contract at issue in the cause, the Court found that the contract contains a valid agreement to arbitrate, that the dispute between the parties falls within the scope of the arbitration agreement, and that Plaintiff has refused to arbitrate. Accordingly, the Court granted Defendant's motion on May 25, 2010 (Doc. #8).

In its motion for reconsideration, Plaintiff fails to address its initial failure to respond to Defendant's motion to compel arbitration. Additionally, Plaintiff's contention that Article 8 of the contract, which addresses a method for resolving commutation disputes, controls over the arbitration provision contained in Article 19 of the contract is without merit. As noted by Defendant, the

existence of a valid arbitration provision in the contract mandates that the arbitration panel, not the Court, shall determine other rights under the contract, including those addressed in Article 8.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration of Order Granting Motion to Compel Arbitration filed June 8, 2010 (Doc. #9) is **DENIED**.

SIGNED this 23rd day of June, 2010.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE