

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

S. DONALD SUSSMAN,

Plaintiff,

v.

**PCGNY CORP. and KEMPER SYSTEM
AMERICA, INC.,**

Defendants.

Civil Action No. 2013-0125

Attorneys:

Mark Wilczynski, Esq.,

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For Plaintiff

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Eric Scott Cohen, Esq.,

New York, NY

For Defendant PCGNY, Corp.

Maria Tankenson Hodge, Esq.,

St. Thomas, U.S.V.I.

For Defendant Kemper System America, Inc.

ORDER

UPON CONSIDERATION of the Magistrate Judge’s Report and Recommendation (“R&R”) (Dkt. No. 44) relating to Defendant Kemper System America, Inc.’s (“Kemper”) “Motion to Dismiss” (Dkt. No. 7), the various objections filed thereto (Dkt. Nos. 47, 48), the entire record, and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, is it hereby

ORDERED that the Magistrate Judge's R&R (Dkt. No. 44) is **ADOPTED** as modified in the accompanying Memorandum Opinion; and it is further

ORDERED that Plaintiff Sussman's Objections (Dkt. No. 47) to the R&R are **OVERRULED**; and it is further

ORDERED that Kemper's Motion to Dismiss (Dkt. No. 7) is **GRANTED IN PART** in that all of Sussman's claims against Kemper shall proceed to **ARBITRATION**; and it is further

ORDERED that all proceedings related to Sussman's claims against Kemper in this Court are **STAYED** pending resolution of arbitration; and it is further

ORDERED that Defendant PCGNY Corp.'s Objection (Dkt. No. 48) to the R&R is **SUSTAINED**; and it is further

ORDERED that the R&R is **REJECTED** to the extent that it includes the three factual findings challenged by Defendant PCGNY Corp.; and it is further

ORDERED that Plaintiff Sussman's claims against Defendant PCGNY shall proceed in this forum.

SO ORDERED.

Date: December 28, 2020.

_____/s/_____
WILMA A. LEWIS
Chief Judge