

Presstek, Inc. v. Agfa-Gevaert N.V. CV-95-220-M 04/18/96  
UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF NEW HAMPSHIRE

Presstek, Inc.,  
Plaintiff

v.

Civil No. 95-220-M

Agfa-Gevaert N.V.,  
Defendant

O R D E R

On January 26, 1996, the court granted defendant's motion to stay all proceedings in this matter pending arbitration of: (i) the proper scope and interpretation of the arbitration clause contained in a "manufacturing agreement" executed by the parties (i.e., whether the arbitrator has jurisdiction to hear and resolve plaintiff's claims); and (ii) if appropriate, the merits of the parties' underlying disputes. Defendant recently submitted a status report, which represents that the arbitrator determined that the parties' underlying disputes are covered by the arbitration clause and, therefore, that the arbitrator has jurisdiction to hear and resolve each of plaintiff's claims against defendant.

Given that all issues raised by plaintiff are subject to binding arbitration, retaining jurisdiction and continuing to stay this action would seem to serve no purpose. "Any post-arbitration remedies sought by the parties will not entail renewed consideration and adjudication of the merits of the controversy but would be circumscribed to a judicial review of the arbitrator's award in the limited manner prescribed by law. See 9 U.S.C. §§ 9-12." Alford v. Dean Witter Reynolds, Inc., 975 F.2d 1161, 1164 (5th Cir. 1992) (quoting Sea-Land Service, Inc. v. Sea-Land or Puerto Rico, Inc., 636 F.Supp. 750, 757 (D.P.R. 1986)). Accordingly, this case is dismissed under Section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, without prejudice. The Clerk of the Court is instructed to close the case. Of course the parties are free to seek review of any award eventually entered by the arbitrator.

SO ORDERED.

---

Steven J. McAuliffe  
United States District Judge

April 18, 1996

cc: George R. Moore, Esq.  
Daniel s. Ebenstein, Esq.  
Steven J. Frank, Esq.  
Theodore A. Breiner, Esq.  
Garry R. Lane, Esq.  
A. Hugh Scott, Esq.