

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>CHARLIE L. JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 08-0656-CG-B</b>
	)	
<b>EAST BAY KIA, INC., SMART AUTOMOTIVE GROUP, LLC, and FIFTH THIRD BANK,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

The Plaintiff having filed a consent to arbitration (Doc. 13), the motion for order to stay proceedings and compel arbitration (Doc. 11) is hereby **GRANTED**. It is **ORDERED** that all plaintiffs' claims against East Bay Kia, Inc., Smart Automotive Group, LLC, and Fifth Third Bank be submitted to arbitration pursuant to the terms contained in Fifth Third Bank's Binding Arbitration Agreement, and that this action is **STAYED** pending further order of the court.

Defendants East Bay Kia, Inc. and Fifth Third Bank are **ORDERED** to initiate the arbitration proceedings, and are further **ORDERED** to advise the court of the status report of arbitration proceedings at 90-day intervals, beginning May 5, 2009. At the termination or other completion of the arbitration proceedings, the defendants are **ORDERED** to advise the court of that fact within ten days.

The clerk of court is directed to place this case on the court's administrative docket. However, the court retains jurisdiction and the parties may request reinstatement at any time if they require the court's intervention.

**DONE and ORDERED** this 4<sup>th</sup> day of February, 2009.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE