

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

HELENA CHEMICAL COMPANY

PLAINTIFF

v.

No. 3:15-cv-77-DPM

JOE BARATTI, JR.; JOE BARATTI, SR.; and
BARATTI FARMS, a Partnership

DEFENDANTS

ORDER

The unopposed motion to stay and compel arbitration, *No 15*, is granted. The motion for summary judgment, *No 12*, is denied without prejudice. Baratti Farms, Baratti Sr., and Helena Chemical Company all agree to arbitrate their dispute pursuant to the Credit Sales and Services Agreement between the partnership and the Company. The agreement invokes the Federal Arbitration Act and Tennessee law. *No 12-1 at ¶¶ 17 & 18*. The arbitrator must decide, in the first instance, how that plays out. The dispute remains stayed as to Baratti Jr. because of his bankruptcy. Joint status report due 1 June 2016, and every six months thereafter. Case stayed, 9 U.S.C. § 3, and administratively terminated, as to all parties. Any party may move to reopen, and confirm or challenge, any arbitration award. 9 U.S.C. §§ 9 & 10. If no party seeks relief by 1 December 2017, the Court will reopen and dismiss the complaint without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

30 November 2015