

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**HANNAH KAY PECK, INDIVIDUALLY AND
IN HER CAPACITY AS TRUSTEE OF THE
PECK FAMILY TRUST DATED JUNE 15, 2001**

PLAINTIFF

VS.

CASE NO. 4:09CV00131 JMM

MIKE ARTHUR, ET AL

DEFENDANTS

ORDER

Pending before the Court are plaintiff's Motion to Amend Motion to Lift Stay of Proceedings (#13), defendants's Motion for Reconsideration (#15), and defendants's Motion to Compel Arbitration (#20). For the reasons stated below, plaintiff's Motion to Amend is granted, defendants's Motion for Reconsideration is granted and defendants's Motion to Compel is dismissed as moot.

Plaintiff's unopposed Motion to Stay the above styled case based upon an Order Appointing a Receiver by the United States District Court for the Northern District of Texas was granted on March 10, 2009. Plaintiff subsequently filed a motion seeking to intervene in the Texas federal case. That motion remains pending in federal court in the Northern District of Texas.

On November 9, 2009, plaintiff filed a Motion to Lift Stay of Proceedings in the instant case which was subsequently granted on November 10, 2009. After entry of that November 10, 2009 Order, plaintiff filed a Motion to Amend or Correct her Brief in Support of her Motion to

Lift Stay of Proceedings in which she informed the Court that she only recently learned that the Receiver appointed by the Texas District Court had, in fact, filed a complaint against the defendants in the above styled case. Plaintiff continued to assert that the appointment of the Receiver and the complaint filed against the defendants in this case did not affect the instant lawsuit.

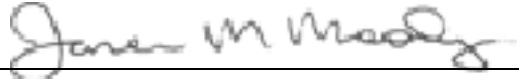
Defendants filed their Motion to Reconsider contending the stay should be reinstated based upon the Receivership Order of the Texas Federal Court which enjoined any lawsuits or the continuation of lawsuits against them.

The Court grants plaintiff's Motion to Amend or Correct (#13) and finds that defendants's Motion to Reconsider should be granted (#15) as the Receivership Order entered by the Texas Federal Court precludes the instant case from going forward.

Because plaintiff has agreed to arbitration, defendants's Motion to Compel Arbitration is denied without prejudice as moot (#20). Should the parties submit to arbitration, the case is stayed in accordance with 9 U.S.C. § 3.

The Clerk of the Court is directed to administratively terminated the action in his records, without prejudice to the right of the parties to reopen the case for further proceedings. If plaintiff seeks to proceed with this lawsuit, she shall attach to her motion a copy of an order from the Receiver appointed by the Texas Federal Court or an order, or other document, from the arbitrator showing that this case may proceed.

IT IS SO ORDERED THIS 3 day of February, 2010.



James M. Moody
United States District Judge