

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DIVERSICARE LEASING CORPORATION,
d/b/a OUACHITA NURSING AND
REHABILITATION CENTER;
DIVERSICARE MANAGEMENT SERVICES
COMPANY; AND ADVOCAT, INC.

PLAINTIFFS

VS.

CASE NO. 11-CV-1037

BARBIE NOWLIN, AS SPECIAL PERSONAL
REPRESENTATIVE OF THE ESTATE OF NANCY
LOUISE JONES, DECEASED, AND ON BEHALF OF
THE WRONGFUL DEATH BENEFICIARIES OF
NANCY LOUISE JONES

DEFENDANT

ORDER

Plaintiffs Diversicare Leasing Corporation d/b/a Ouachita Nursing and Rehabilitation Center (“ONRC”), Diversicare Management Services (“Diversicare”), and Advocat, Inc. (“Advocat”) filed a Complaint to Compel Arbitration seeking to enjoin an action filed by Defendant Barbie Nowlin in the Circuit Court of Ouachita County. (ECF. No. 1). This matter is now before the Court on Defendant’s Motion for Summary Judgment. (ECF No. 6). Plaintiff has filed a Response and Cross Motion for Summary Judgment. (ECF No. 9). Defendant has replied. (ECF No. 13). The Court finds this matter ripe for consideration.

For the reasons discussed in the Memorandum Opinion of even date, the Court finds that Defendant Barbie Nowlin’s Motion for Summary Judgment against Plaintiffs (ECF No. 6) is **DENIED**. Plaintiffs ONRC, Diversicare, and Advocat’s Cross-Motion for Summary Judgment (ECF No. 9) is **GRANTED**. All state court proceedings in connection with Defendant Barbie Nowlin’s claims against Plaintiffs are enjoined pending arbitration. It is further **ORDERED** that Plaintiffs and Defendant notify the Court within 30 days of the name of an arbitrator that they have agreed upon the Court to appoint.

IT IS SO ORDERED, on this 18th day of November, 2011.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge