

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KATHRYN MCCARDELL,

Plaintiff,

v.

Case No: 2:14-cv-542-FtM-38DNF

RAC ACCEPTANCE EAST, LLC,

Defendant.

ORDER¹

This matter comes before the Court on Joint Stipulation for Stay Pending Arbitration ([Doc. #9](#)) filed on October 8, 2014. This matter is now ripe for review.

On September 29, 2014, Defendant RAC Acceptance East, LLC filed a motion to compel arbitration and stay proceedings. (See [Doc. #6](#)). Then, the parties filed this instant joint stipulation to stay the proceeding pending the completion of arbitration. The parties indicate they will resolve this matter pursuant to the Mutual Agreement to Arbitrate Claims, which covers all claims alleged in the complaint. (See generally [Doc. #1](#)). Moreover, the Eleventh Circuit has instructed “[u]pon finding that a claim is subject to an arbitration agreement, the court should order that the action be stayed pending arbitration.” [Bender v. A.G. Edwards & Sons, Inc., 971 F.2d 698, 699 \(11th Cir. 1992\)](#) (citing 9 U.S.C. § 3). Since the parties now agree that an arbitration agreement governs

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this matter, the Court finds a stay is warranted in this case. The Court also finds Defendant RAC Acceptance East's pending motion is due to be denied as moot.

Accordingly, it is now

ORDERED:

1. This matter is **STAYED** until further Court order.
2. The Clerk is directed to add a stay flag to the docket.
3. The parties are directed to jointly notify the court in writing upon the completion of the arbitration proceeding, no later than seven days after the arbitration proceeding is completed.
4. Defendant RAC Acceptance East, LLC's Motion to Compel Arbitration and Stay Proceedings ([Doc. #6](#)) is **DENIED as moot**.

DONE and **ORDERED** in Fort Myers, Florida this 9th day of October, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record