

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**THE FIRST BAPTIST CHURCH  
OF PANAMA CITY BEACH INC,**

**Plaintiff,**

**vs.**

**CASE NO. 5:10-cv-10/RS-MD**

**BECO INC,**

**Defendant.**

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**ORDER**

The Parties' Status Report (Doc. 85) advises that they are now awaiting the arbitrator's ruling. It is **ORDERED**:

1. Activity in this case is stayed until February 15, 2011. The parties shall file monthly status reports of the progress of the arbitration proceeding with the court not later than the 15<sup>th</sup> day of each month.
2. Failure to complete arbitration not later than February 15, 2011, without good cause may result in a waiver of the right to arbitrate. Waiver may occur if a party acts inconsistently with the right to arbitration, such as undue delay, and in some way prejudices the other party. See *Ivax Corp. v. B. Braun of America, Inc.*, 286 F.3d 1309, 1315-16 (11th Cir. 2002); *S&H Contractors, Inc. v. Taft Coal Col, Inc.*, 906 F.2d 1507, 1514 (11th Cir. 1990).

**ORDERED** on January 19, 2010

/S/ Richard Smoak

**RICHARD SMOAK**

**UNITED STATES DISTRICT JUDGE**