

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**MARTHA L. DENMARK, KARA L. HILL,  
and FRANCIS R. JENKINS,**

Plaintiffs,

v.

**THE PEP BOYS - MANNY, MOE & JACK  
(INC.),**

Defendant.

Civil Action 5:11-CV-52 (HL)

**ORDER**

This case is before the Court on the parties' Motion to Stay Proceedings Pending Arbitration (Doc. 16). The Motion to Stay is granted as follows.

The parties are ordered to proceed immediately to arbitration of the dispute. All of Plaintiffs' claims will be arbitrated in a single proceeding to take place in or around Atlanta, Georgia.

Defendant will pay for all filing fees and the arbitrator's fees associated with the arbitration of Plaintiffs' claims, as well as the cost of renting a room or location for the final hearing, if necessary. Defendant is not responsible for Plaintiffs' attorneys' fees or other ordinary costs incurred by Plaintiffs' counsel in connection with the arbitration.

Defendant waives any claim that Plaintiffs breached their arbitration agreements by initiating this lawsuit. Defendant may not seek to recover from Plaintiffs the costs and fees incurred in pursuing its motion to compel arbitration

before the Court. Defendant is not waiving any other claims it may have against Plaintiffs that are unrelated to the issue of whether Plaintiffs breached the arbitration agreements by filing this lawsuit.

Defendant waives any claim that Plaintiffs did not comply with their arbitration agreements by failing to follow the procedures for instituting arbitration as specified under the agreements. Defendant is not precluded from raising arguments relating to timeliness or statutes of limitations.

The award of the arbitrator shall be entered as judgment of the Court. However, the Court will not retain jurisdiction for purposes of enforcement of the judgment. If a problem arises with enforcement of the judgment, the parties will be required to file a new civil action.

Pending arbitration, the proceedings in this case are stayed. The parties are to file a report on July 1, 2011 informing the Court of the status of the arbitration. If the arbitration is not proceeding in what the Court perceives to be a timely manner, the stay in this case may be lifted.

Defendant's Motion to Dismiss Complaint and to Compel Arbitration (Doc. 7) is denied as moot.

**SO ORDERED**, this the 2<sup>nd</sup> day of May, 2011.

***s/ Hugh Lawson***  
**HUGH LAWSON, SENIOR JUDGE**

mbh