

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

STEVE A. DUCK AND TONUIA DUCK * CIVIL ACTION NO. 12-0850

VERSUS * JUDGE TOM STAGG

FRIENDCO, INC., ET AL. * MAG. JUDGE KAREN L. HAYES

ORDER

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,


IT IS ORDERED that the joint motion to compel arbitration and stay proceedings [doc. # 69] is hereby GRANTED, pursuant to the terms of the parties' Joint Stipulation [doc. # 74].

IT IS FURTHER ORDERED that the motion to dismiss filed by defendant and cross-defendant, James Cullins (incorrectly named as "James Cullen") (*see* doc. #s 66 & 63) is deemed WITHDRAWN.

IT IS FURTHER ORDERED that the "Motion to Dismiss Under Rule 12(B) for Lack of Jurisdiction, Improper Venue, and/or Failure to State a Claim" [doc. # 13] filed by defendant, Friendco, Inc., and joined in by co-defendant, Waverlee Homes, Inc. [doc. # 17] is hereby DENIED, without prejudice to the right to re-urge any portion of the motion(s) that may survive arbitration; and

IT IS FURTHER ORDERED that the matter is STAYED pending arbitration, subject to the parties' obligation to file a joint status report with the court every six months.

THUS DONE AND SIGNED this 4th day of September, 2012, Shreveport, Louisiana.


TOM STAGG
UNITED STATES DISTRICT JUDGE