

RECEIVED  
USDC, WESTERN DISTRICT OF LA.  
TONY R. MOORE, CLERK  
DATE 1 / 10 / 14  
BY DM

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

SOUTHWESTERN ELECTRIC  
POWER COMPANY; AMERICAN  
ELECTRIC POWER SERVICE  
CORPORATION; AND AMERICAN  
ELECTRIC POWER COMPANY

CIVIL ACTION NO: 12-2065

VERSUS

JUDGE DONALD E. WALTER

CERTAIN UNDERWRITERS AT  
LLOYD'S OF LONDON SUBSCRIBING  
TO POLICY NO. BL0700847; ET AL.

MAGISTRATE JUDGE HORNSBY

**ORDER**

On September 25, 2013, this court adopted the reasons assigned in the Report and Recommendation of the Magistrate Judge and granted a previously filed Motion to Compel Arbitration and Stay Proceedings [Doc. #16]. Contemporaneously, the court ordered that the civil case be stayed and that the Clerk of Court close the case for administrative purposes given the unlikelihood that further proceedings in this action will be necessary.

Plaintiffs move the court for the Entry of Judgment pursuant to Fed. R. Civ. P. 58(a) as a separate document to ensure that all appeal rights are reserved. [Doc. #62]. Plaintiffs rely on *Freudensprung v. Offshore Technical Services, Inc.*, 379 F.3d 327, 335 (5th Cir. 2004) to argue that this court's decision to compel arbitration is a final appealable order. Defendants argue that the court's order is interlocutory in nature and does not give rise to appellate jurisdiction.

This court finds that pursuant to *Freudensprung* and *American Heritage Ins. Co. v. Orr*, 294 F.3d 702 (5th Cir. 2002), the September 25, 2013 order compelling arbitration and staying the underlying proceeding operates as a final, appealable decision within the statutory framework of the

Federal Arbitration Act, 9 U.S.C. § 1-16.

In the alternative, pursuant to 28 U.S.C. § 1292(b), this court hereby orders the immediate appeal of the September 25, 2013 order because it involves a controlling question of law from which an immediate appeal may materially advance the ultimate termination of the litigation.

**THUS DONE AND SIGNED**, this 10 day of January, 2014.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE