

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KELLY HOPKINS, et al.	:	CIVIL ACTION
	:	
Plaintiffs,	:	NO. 07-3679
	:	
v.	:	
	:	
NEW DAY FINANCIAL, et al.	:	
	:	
Defendants.	:	

**Order**

AND NOW, this 14th day of August, 2009, upon consideration of Defendants’ Motion to Dismiss, or in the Alternative, Motion to Stay Litigation and Compel Arbitration (Docket No. 63); Plaintiffs’ Response in Opposition (Docket No. 69); and Defendants’ Reply (Docket No. 74), and after Oral Argument on the Motion held on May 14, 2009, it is ORDERED as follows:

1. Defendants’ Motion to Dismiss, or in the Alternative, Motion to Stay Litigation and Compel Arbitration (Docket No. 63) is DENIED.
2. A trial shall be held, on a date to be determined, as to whether the Arbitration Agreements are enforceable.
3. The Clerk of Court shall place in suspense, Defendants’ Motion to Dismiss the Individual Defendants (Docket No. 62) pending the resolution of the Motion to Compel Arbitration.

BY THE COURT

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.