

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

GOLDEN GATE NATIONAL	:	
SENIOR CARE, LLC, et. al.	:	
	:	
Petitioners,	:	CIVIL ACTION
	:	
v.	:	15-17
	:	
PAMELA L. BEAVENS, as Executrix	:	
for the Estate of Agnew E. Beavens,	:	
	:	
Respondent.	:	

AND NOW, this 20th day of August 2015, upon consideration of respondent's motion to dismiss the petition, doc. no. 13, and petitioners' response thereto, doc. no. 15, and upon further consideration of petitioners' motion to compel arbitration and stay state court proceedings, doc. no. 14, respondent's response, doc. no. 16, petitioners' reply brief, doc. no. 14, respondent's surreply, doc. no. 21, and petitioners' additional briefing thereto, doc. no. 24, **IT IS HEREBY ORDERED** that:

1. The motion to dismiss, doc. no. 13, is **DENIED**.
2. The motion to compel arbitration and stay state court proceedings, doc. no. 14, is **GRANTED in part**.
3. Pursuant to the Alternative Dispute Resolution Agreement, the parties are **COMPELLED** to mediate, and then if necessary arbitrate before JAMS, the respondent's survival action which has been filed in the Court of Common Pleas of Berks County under docket number 14-22415. The survival action consists of counts 1, 2, 3 and 4 of the state court complaint.

4. All state court proceedings with regard to counts 1, 2, 3 and 4 are **STAYED** to permit the mediation and arbitration to proceed.

5. The motion to compel arbitration and stay proceedings is **DENIED** as to the respondent's wrongful death action which is count 5 in the state court complaint.

6. The clerk is directed to mark this case **CLOSED**.

BY THE COURT

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.