IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Lawrence and Lorraine Lawrence, Plaintiffs, v. Blue World Pools, Inc., Defendant.	C/A No. 8:11-1099-JFA
Lynda Glasser et al., Plaintiffs, v. Blue World Pools, Inc. Defendant.	C/A No. 3:11-1086-JFA
Peggy Tant and Eugene Tant, Plaintiffs, v. Blue World Pools, Inc. Defendant.	C/A No. 9:11-1102-JFA
Clifford Braden et al., Plaintiffs, v. Blue World Pools, Inc. Defendant.	C/A No. 5:11-1091-JFA

Angela Whetstone, Plaintiff, v. Blue World Pools, Inc. Defendant.	C/A No. 5:11-1560-JFA ORDER

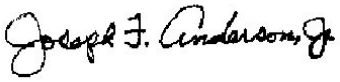
By order filed June 22, 2011, this court granted the motion by the defendant in the above-captioned actions, Blue World Pools, Inc., to stay the first four actions and compel arbitration pursuant to a mandatory arbitration provision in the contracts between the parties. By separate order entered July 21, 2011, the court granted the same relief in the fifth action listed above. Thus, as a result of these two orders, each of the above-captioned actions were stayed and the parties were directed to engage in arbitration pursuant to the arbitration provision in their respective contracts.

In August 2012, this court requested a status report from counsel regarding the progress of arbitration. The responses indicated that, with the exception of the cases of plaintiffs Angela Whetstone and Sylvia Conner, none of these cases are currently the subject of ongoing arbitration proceedings. An attempt to arbitrate was made with regard to some of the cases, but because Blue World Pools had previously failed to comply with the American Arbitration Association's (AAA's) policy regarding consumer claims, the AAA rejected the demand for arbitration in January 2012. As of the date of this order, no arbitration proceedings have been commenced.

When the court received the requested status reports on these cases, a hearing was scheduled for October 2, 2012. At the hearing, after receiving additional input from counsel, the court announced that it intended to dismiss all of these cases (except for the Whetstone and Conner cases referenced above) without prejudice. Defendant expressed concern that if the cases are subsequently refiled, they may be refiled in state court, thereby obligating the defendant to pay significant removal fees to have the cases returned to this court. Upon hearing this suggestion, plaintiffs' counsel committed not to refile these actions unless and until an arbitration award is entered in favor of the plaintiffs. Any actions refiled at that time would merely seek to confirm the arbitration award in favor of the plaintiffs and have it converted to a judgment in this court.

For the foregoing reasons, all cases referenced in the captions above except for plaintiffs Angela Whetstone (C/A No. 5:11-1560) and Sylvia Conner (C/A No. 3:11-1086) are hereby dismissed without prejudice. The attorneys for the parties are requested to provide the court on with a status report on the progress of the latter two cases or before January 15, 2013.

IT IS SO ORDERED.



October 10, 2012
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge