

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

DONNA HALLOCK,

Plaintiff,

v.

CASE NO. 8:17-cv-417-T-26TBM

KIA MOTORS FINANCE,

Defendant.

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**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the procedural history of this case, it is **ORDERED AND ADJUDGED** that the Defendant's Motion to Dismiss and Motion to Stay (Dkt. 7) are **denied**. Under Eleventh Circuit precedent, even if the Court decides to compel arbitration, it is error to dismiss the appeal. See Bender v. A.G. Edwards & Sons, Inc., 971 F.2d 698, 699 (11<sup>th</sup> Cir. 1992). Instead, the Court, upon compelling arbitration, is obligated to stay the proceedings. Id. Plaintiff is directed to file an expedited response to the Motion to Compel Arbitration on or before **April 14, 2017**.

**DONE AND ORDERED** at Tampa, Florida, on April 7, 2017.

*s/Richard A. Lazzara*

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**RICHARD A. LAZZARA  
UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record