

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

MICHAEL BERGER, JACOB BULLOCK,  
RYAN CARROLL, ANTHONY ALARCON,  
DAVID EMERY, COURTNEY POLIVKA,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

v.

CASE NO: 8:16-cv-744-T-30JSS

ACCOUNTING FULFILLMENT SERVICES  
LLC, MANHATTAN PROFESSIONAL GROUP,  
INC., MICHAEL SAVAGE, BRENDAN PACK,  
GARY MELWICK, and LINDSEY KUSH,

Defendants.

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**ORDER**

THIS CAUSE comes before the Court upon Defendants' Motion to Stay Proceedings Pending Appeal of July 8, 2016 Order Denying in Part Motion to Compel Arbitration (Dkt. #31). The Court, having reviewed the motion and being otherwise advised in the premises, concludes that the motion should be granted.

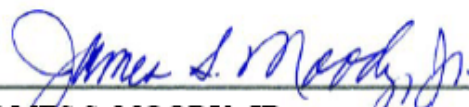
On July 28, 2016, the Defendants filed a Notice of Appeal of portions of the July 8, 2016 Order pursuant to the Federal Arbitration Act, 9 U.S.C. § 16(a)(1)(A) and (C) (the "FAA"). (Dkt. #30). The FAA provides the Defendants a direct, immediate right to file an interlocutory appeal of an order denying arbitration. *See* 9 U.S.C. § 16(a)(1)(A) and (C).

While the Court believes its decision on the motion to compel arbitration remains correct, Defendants have met their limited burden to stay this action pending resolution of the appeal of the Court's Order denying in part its motion to compel arbitration.

It is therefore **ORDERED AND ADJUDGED** that:

1. Defendants' Motion to Stay Proceedings Pending Appeal of July 8, 2016 Order Denying in Part Motion to Compel Arbitration (Dkt. #31) is GRANTED.
2. This action is stayed pending appeal.
3. The Clerk is directed to administratively close this case.
4. The parties shall file a joint status report within fourteen (14) days of the conclusion of the appeal.

**DONE** and **ORDERED** in Tampa, Florida on July 29, 2016.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:  
Counsel/Parties of Record

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