

**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.

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 (11th 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

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

COPIES FURNISHED TO:
Counsel of Record