

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ARTHUR C. MANN, et. al.,

Plaintiffs,

v.

BROOKE FRANCHISE CORP., et. al.,

Defendants.

CIVIL ACTION

No. 07-CV-2056-CM

ORDER

This case is before the court on Defendants' Motion to Dismiss and/or Compel Arbitration and Stay Proceedings (Doc. 4). Plaintiffs consent to a stay of this litigation and referral of this case to arbitration, but request the court to order mediation prior to the arbitration. Plaintiffs argue that the parties' agreements require mediation prior to arbitration. Defendants have not responded to plaintiffs' request for mediation.

After reviewing the agreements at issue, the court finds that this case should be referred to mediation with arbitration to follow as provided for in the parties' agreements. The court further finds that this action should be stayed pending arbitration.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss and/or Compel Arbitration and Stay Proceedings (Doc. 4) is granted. The parties shall mediate their disputes in accordance with their agreements within sixty (60) days of the date of this order. If the parties are unable to resolve their disputes through mediation, they shall participate in arbitration as provided for in their agreements.

IT IS FURTHER ORDERED that this case is stayed pending arbitration.

Dated this 20th day of August 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge