



POSITIVE SOFTWARE SOLUTIONS v. NEW CENTURY MTG. CORP.

2003 | Cited 0 times | N.D. Texas | April 28, 2003

ORDER

Before the Court are the motion of all defendants to dismiss for failure to state a claim upon which relief can be granted and the motion of defendants New Century Financial Corporation, eConduit Corporation, Jeff Lenieux, and Frank Nese to dismiss for lack of personal jurisdiction.

The motion to dismiss for failure to state a claim upon which relief can be granted is **DENIED**.

By separate order of this date, the Court has compelled arbitration and stayed this action pending arbitration. Under those circumstances, it is appropriate to defer the issue of personal jurisdiction until after the completion of arbitration. See *Enviro Petroleum, Inc. v. Kondur Petroleum, S.A.*, 91 F. Supp.2d 1031, 1036-37 (S.D. Tex. 2000) (collecting cases). Accordingly, the motion to dismiss for lack of personal jurisdiction is **DENIED WITHOUT PREJUDICE** to reurging it following completion of the arbitration.

