

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

ENTERED
MAR 30 2004
U.S. BANKRUPTCY COURT
MDNC - RMB

IN RE:)
)
Inter-Act Electronics, Inc.,) Case No. 02-11557C-7G
)
Debtor.)
_____)
)
Charles M. Ivey, III, Trustee)
for the Bankruptcy Estate of)
Inter-Act Electronics, Inc.,)
)
Plaintiff,)
)
v.) Case No. 03-2035
)
Albertson's, Inc.,)
)
Defendant.)
)

ORDER

This adversary proceeding came before the court on January 13, 2004, for hearing upon the Defendant's motion to compel arbitration and to stay proceedings. Edwin R. Gatton and Charles M. Ivey, III appeared on behalf of the Plaintiff and Jeffrey E. Oleynik and Clinton R. Pinyan appeared on behalf of the Defendant.

BACKGROUND

The following background facts are reflected in the Plaintiff's complaint. The Plaintiff is the Chapter 7 trustee for Inter-Act Electronics, Inc. (the "Debtor"). At various times between 1994 and 1997, the Debtor entered into agreements with three different grocery store chains: Lucky Stores, Inc. ("Lucky");

