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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Director of the Division of Manufactured	)	
Homes, Recreational Vehicles and Modular	)	
Units of the Public Service Commission,	)	
	)	
Complainant,	)	
	)	<u>Case No. MC-2000-541</u>
v.	)	
	)	
Rightway Homes,	)	
	)	
Respondent.	)	

**ORDER STAYING PROCEEDING**

On March 6, 2000, the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Missouri Public Service Commission (Director) filed a complaint with the Missouri Public Service Commission (Commission) against Rightway Homes (Rightway), alleging that Rightway failed to arrange for the proper initial setup of a manufactured home. The Commission issued its Notice of Complaint on March 9, 2000, providing thirty (30) days for Rightway to file an answer, or, in the alternative, to file a request for mediation.

On March 27, 2000, Rightway filed no pleading, but Roger A. Carnahan (Carnahan), Attorney at Law, wrote a letter to the Commission. Carnahan stated that his office had been contacted by Rightway and that Rightway accepted the option of alternative dispute resolution. Carnahan also requested that the matter be referred to a

neutral third party mediator for voluntary mediation. Carnahan stated that his letter confirmed that the time for filing a formal response to the complaint is tolled, pending the mediation and, as such, no response would be forthcoming.

Missouri rule of civil procedure 55.03(a) requires that a pleading signed by a lawyer include that lawyer's Missouri bar enrollment number. Although a letter is clearly not a pleading under the Commission's rules, the Commission will ask that Carnahan supply it with his Missouri bar enrollment number.

On March 28, 2000, the Director filed his reply to Rightway's request for voluntary mediation. The Director indicated that he has no objection to and is willing to submit to voluntary mediation.

This proceeding will thus be stayed, pending the mediation. The parties will be ordered to report to a mediator and to file reports thereon.

**IT IS THEREFORE ORDERED:**

1. That this proceeding shall be stayed pending the mediation.
2. That the parties shall report to Jim Levin, Director, Center For Dispute Resolution, University of Missouri School of Law, 206 Hulston Hall, Columbia, Missouri 65211, no later than May 1, 2000, to arrange mediation sessions.
3. That the Records Department of the Missouri Public Service Commission shall send a copy of this order to Mr. Levin at his address as set forth above.
4. That the parties shall jointly file a report to the Commission stating the progress of the mediation no later than 3:00

p.m., June 28, 2000, and then at thirty (30) day intervals thereafter until this case is resolved, dismissed, or otherwise disposed of.

5. That Roger A. Carnahan inform the Missouri Public Service Commission in writing of his Missouri bar enrollment number no later than April 10, 2000.

6. That this order shall become effective on April 10, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to 4 CSR 240-2.120(1) (November 30,  
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 30th day of March, 2000.