

IN THE CIRCUIT COURT OF FAULKNER COUNTY ARKANSAS
CIVIL DIVISION -1st

LAURA HAMMETT, an individual

PLAINTIFF

V.

CASE No. 23-cv-20-631

**FIRST AMERICAN HOME WARRANTY
CORPORATION, a California Corporation;
NICHOLSON'S HEATING AND AIR
CONDITIONING, INC., an Arkansas
Corporation; SMARTCOOL OF
ARKANSAS, INC., an Arkansas Corporation,
DOES 1-99**

DEFENDANTS

Order

1. Pending before the Court is Plaintiff Laura Hammett's February 7, 2025,

"Motion to Continue Case and Certify for Interlocutory Appeal of Order to
Order to Continue Case

Arbitrate.” Based on review of the motion, briefing, and applicable law, the Court hereby GRANTS the motion.

2. The Court notices that the contract attached to the complaint as an exhibit was not provided to Hammett before payment of the warranty fee. Hammett rescinded the same contract on a policy covering a different property. Rescission was not an adequate remedy on the Gold Lake Club property, because the forced air unit failed prior to receipt of the contract. A replacement policy from a different company would not cover the conditions that were known to exist before purchase.
3. Therefore the contract was reformed, according to the verbal contract described in the complaint, which must be taken as a true and accurate fact before summary judgment.
4. Hammett agreed to stipulate to non-binding arbitration or mediation paid for in full by the defendants. Because AAA refuses to hold a non-binding arbitration, the parties may stipulate to a different arbitrator or mediator, paid for by the Defendants, or continue to discovery in the Court.
5. Because a reasonable person might reasonably believe that the undersigned has a bias against Hammett, the undersigned recuses herself from further proceedings in which Hammett is a litigant.

IT IS SO ORDERED this ____ day of _____, 2025.

HONORABLE SUSAN WEAVER

FAULKNER COUNTY CIRCUIT JUDGE

Prepared by:

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Plaintiff in pro se