

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13851
O/cb

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Submitted - January 11, 2007

REINALDO E. RIVERA, J.P.
FRED T. SANTUCCI
PETER B. SKELOS
WILLIAM E. McCARTHY, JJ.

2006-04762

DECISION & ORDER

In the Matter of 2400 East 3rd Owners Corporation,
appellant, v Local No. 670, RWDSU, UFCW,
AFL-CIO, CLC, respondent.

(Index No. 39330/05)

Milman & Heidecker, Lake Success, N.Y. (Perry S. Heidecker, Matthew J. Mehnert,
and Jamie S. Felsen of counsel), for appellant.

Richard M. Greenspan, P.C., Elmsford, N.Y. (Julie Pearlman Schatz of counsel), for
respondent.

In a proceeding pursuant to CPLR article 75 to vacate an arbitration award, the
petitioner appeals from an order of the Supreme Court, Kings County (Johnson, J.), dated April 11,
2006, which denied the petition.

ORDERED that the order is affirmed, with costs.

The petitioner was “duly notified to appear” at the September 19, 2005, hearing, and,
notwithstanding its failure to appear at that hearing, the arbitrator was empowered to “hear and
determine the controversy upon the evidence produced” (CPLR 7506[c]). Further, none of the

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grounds for vacating an arbitration award apply herein (*see* CPLR 7511[b][1]). Accordingly, the Supreme Court properly denied the petition.

RIVERA, J.P., SANTUCCI, SKELOS and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court