

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

D34132
G/kmb

_____AD3d_____

Argued - February 6, 2012

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2011-02262

DECISION & ORDER

In the Matter of Vincent Modafferi, etc., respondent,
v Manhattan and Bronx Surface Transit Operating
Authority, appellant.

(Index No. 24060/10)

Martin B. Schnabel, Brooklyn, N.Y. (Robert K. Drinan and Mariel A. Tanne of
counsel; Matthew Finkel on the brief), for appellant.

Colleran, O'Hara & Mills LLP, Garden City, N.Y. (Edward J. Groarke and Michael
D. Bosso of counsel), for respondent.

In a proceeding pursuant to CPLR article 75 to confirm an arbitration award dated
September 21, 2010, Manhattan and Bronx Surface Transit Operating Authority appeals from an
order of the Supreme Court, Kings County (Velasquez, J.), dated January 5, 2011, which granted the
petition to confirm the award and denied its cross motion, inter alia, to vacate the award.

ORDERED that the order is affirmed, with costs.

“An arbitration award can be vacated by a court pursuant to CPLR 7511(b)[(1)(iii)]
on only three narrow grounds: if it is clearly violative of a strong public policy, if it is totally or
completely irrational, or if it manifestly exceeds a specific, enumerated limitation on the arbitrator's
power” (*Matter of Miro Leisure Corp. v Prudence Orla, Inc.*, 83 AD3d 945, 946, quoting *Matter
of Erin Constr. & Dev. Co., Inc. v Meltzer*, 58 AD3d 729, 729; see *Matter of Motor Veh. Acc. Indem.
Corp. v Aetna Cas. & Sur. Co.*, 89 NY2d 214, 233). Contrary to the appellant's contention, it failed

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to demonstrate the existence of any of the statutory grounds for vacating the arbitrator's award (*see Matter of Miro Leisure Corp. v Prudence Orla, Inc.*, 83 AD3d at 946; *Matter of Green v Liberty Mut. Ins. Co.*, 22 AD3d 755, 756).

The appellant's remaining contentions are without merit.

RIVERA, J.P., ANGIOLILLO, LEVENTHAL and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court