

The Appellate Division's vacatur cannot stand because it improperly substituted its factual finding for that of a majority of the arbitration panel.

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On review of submissions pursuant to section 500.4 of the Rules, order reversed, with costs, and judgment of Supreme Court, New York County, reinstated, in a memorandum. Chief Judge Kaye and Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith concur.

Decided June 29, 2004