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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

1 No. 73 SSM 39
Lehman Brothers, Inc.,
 Respondent,
 v.
Rodney T. Cox,
 Appellant.

Submitted by Barry M. Bordetsky, for appellant.
Submitted by Erin E. MacAvoy, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order reversed, with costs, petition denied in its entirety and
respondent's cross motion, insofar as it sought to confirm the
arbitrator's award to him of \$48,000, granted. Petitioner Lehman
Brothers failed to meet its heavy burden to vacate the
arbitration award on respondent Cox's counterclaim. Chief Judge
Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones
concur.

Decided February 14, 2008