

**Matter of Kasowitz, Benson, Torres & Friedman LLP
v International Equine Acquisition Holdings, Inc.**

2013 NY Slip Op 32329(U)

September 23, 2013

Sup Ct, New York County

Docket Number: 652944/2013

Judge: Kathryn E. Freed

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: _____
Justice

PART 5

Index Number : 652944/2013
KASOWITZ, BENSON, TORRES &
vs
INTERNATIONAL EQUINE
Sequence Number : 001
CONFIRM AWARD

INDEX NO. _____
MOTION DATE _____
MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____


Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ | No(s). _____
Answering Affidavits — Exhibits _____ | No(s). _____
Replying Affidavits _____ | No(s). _____

Upon the foregoing papers, it is ordered that this motion is

**DECIDED IN ACCORDANCE WITH
ACCOMPANYING DECISION / ORDER**

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

Dated: 9-23-13
SEP 23 2013


_____, J.S.C.
**HON. KATHRYN FREED
JUSTICE OF SUPREME COURT**

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
 DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: Part 5

-----X
In the Matter of the Arbitration Between
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP,

Petitioner,

-against-

DECISION/ORDER
Index No. 652944/2013
Seq. No. 001

INTERNATIONAL EQUINE ACQUISITION
HOLDINGS, INC.,
Respondent.

-----X
KATHRYN E. FREED, JSC:

RECITATION, AS REQUIRED BY CPLR§2219 (a), OF THE PAPERS CONSIDERED IN THE REVIEW OF
THIS MOTION.

PAPERS	NUMBERED
NOTICE OF PETITION AND AFFIDAVITS ANNEXED.....1-3 (Exs. C, E &F)
ORDER TO SHOW CAUSE AND AFFIDAVITS ANNEXED.....
ANSWERING AFFIDAVITS.....3.(Exhs. A-B)
REPLYING AFFIDAVITS.....
EXHIBITS.....
OTHER.....

UPON THE FOREGOING CITED PAPERS, THIS DECISION/ORDER ON THE MOTION IS AS FOLLOWS:

Petitioner moves for an Order confirming the arbitration award pursuant to CPLR§ 7510 upon the ground that the award was duly rendered and delivered less than one year prior to this motion and has not been vacated or modified under CPLR§7511, and also directing judgment in favor of petitioner and against respondent in the amount of \$6,817.63, plus costs and disbursements associated with the enforcement of said award. No opposition from respondent has been received.

After a review of the papers presented, all relevant statutes and case law, the Court **grants** the petition.

Factual and procedural history:

On May 14, 2012, respondent International Equine Acquisitions Holdings, Inc. (“Respondent”), elected in writing to resolve a fee dispute between the parties via arbitration pursuant to Part 137 of the Rules of the Chief Administrator. (Exh. A). Respondent acknowledged that pursuant to paragraph 11 therein, the determination of the arbitrator(s) was binding.

On July 17, 2013, the parties submitted to David S. Weiss, Esq., as arbitrator, for his adjudication and award to all disputed matters existing between them, which related to unpaid legal fees owed by respondent to petitioner firm. On the aforementioned date, at a specifically appointed time and place, Mr. Weiss proceeded to review the proof submitted. Petitioner was in attendance. However, respondent failed to appear, despite being given due notice of the proceeding. After Mr. Weiss conducted his investigation, and after having considered all the evidence and arguments presented, he rendered a decision wherein he determined that petitioner was entitled to the sum of \$6,817.63, together with interest thereupon. (Exh. B).

CPLR§ 7510 provides that a “court shall confirm an arbitration award upon application of a party made within one year after its delivery to him, unless the award is vacated or modified upon a ground specified in section 7511.” Indeed, when parties consent to any type of arbitration, they effectively agree to accept whatever solution is reached by the arbitrator because the arbitrator’s determination on the merits is deemed conclusive and has a res judicata effect (see *David Associates v. Bevona*, 109 A.D.2d 623 [1st Dept. 1985]; *Blatman v. Haimoff, et al.*, 21 Misc.3d 1121(A), Sup Ct, NY County 2008)).

In the case at bar, respondent has not only failed to put forth any ground upon which this Court should vacate said award, it has failed to even respond to said notice of petition.

Therefore, in accordance with the foregoing, it is hereby

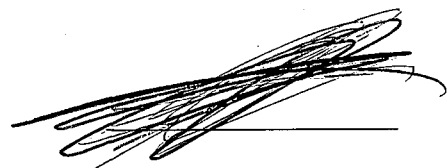
ORDERED that petitioners' Notice of Petition To Confirm the Arbitration Award in the amount of \$6,817.63, plus costs and disbursements associated with the enforcement of said award is granted; and it is further

ORDERED that this constitutes the decision and order of the Court.

DATED: September 23, 2013

SEP 23 2013

ENTER:



Hon. Kathryn E. Freed
J.S.C.

**HON. KATHRYN FREED
JUSTICE OF SUPREME COURT**