

**Policy Admin. Solutions, Inc. v QBE Holdings, Inc.**

2021 NY Slip Op 32289(U)

October 28, 2021

Supreme Court, New York County

Docket Number: Index No. 652273/2014

Judge: Andrew Borrok

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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:** HON. ANDREW BORROK **PART** **53**

*Justice*

-----X

POLICY ADMINISTRATION SOLUTIONS, INC.

Plaintiff,

- v -

QBE HOLDINGS, INC.,

Defendant.

-----X

**INDEX NO.** 652273/2014

**MOTION DATE** \_\_\_\_\_

**MOTION SEQ. NO.** 009

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 009) 326, 327, 328, 329, 330, 331, 332, 333, 334

were read on this motion to/for CONFIRM/DISAPPROVE AWARD/REPORT.

Pursuant to CPLR 7510, QBE Holdings, Inc.'s (**QBE**) motion to confirm a partial final arbitration award, dated August 4, 2020 (the **Partial Final Award**, NYSCEF Doc. No. 328) and a final arbitration award, dated November 4, 2020 (the **Final Award**, NYSCEF Doc. No. 328) is granted because it was timely brought and no grounds to vacate or modify the award have been demonstrated. Pursuant to CPLR 5021, Policy Administration Solutions, Inc.'s (**PAS**) cross-motion for an order directing entry of satisfaction of a judgment is granted, as the record demonstrates that the money owed under the Final Award has already been paid.

Arbitrator Thomas D. Halket (the **Arbitrator**) issued the Partial Final Award, dated August 4, 2020, denying PAS's claims in their entirety and denying QBE's claims except as expressly provided (NYSCEF Doc. No. 328, at 45). The Partial Final Award expressly did not cover claims for costs for the arbitration or a claim by QBE for attorneys' fees and expenses (*id.*). The Final Award denied QBE's claims for attorneys' fees and expenses and provided that the compensation and expenses of the Arbitrator, totaling \$132,750, would be borne by PAS (*id.*, at

1). The Final Award accordingly required PAS to reimburse QBE for costs that QBE previously incurred, totaling \$66,375. QBE now moves to confirm the Partial Final Award and the Final Award.

CPLR 7510 provides that “[t]he court shall confirm an award upon application of a party made within one year of its delivery to him, unless the award is vacated or modified upon a ground specified in section 7511.” To move to vacate the award, PAS would be required to show its rights were prejudiced by:

“(i) corruption, fraud or misconduct in producing the award; or (ii) partiality of an arbitrator appointed as a neutral, except where the award was by confession; or (iii) an arbitrator, or agency or person making the award exceeded his power or so imperfectly executed it that a final and definite award upon the subject matter submitted was not made; or (iv) failure to follow the procedure of this article, unless the party applying to vacate the award continued with the arbitration with notice of the defect and without objection”

(CPLR 7511 [b] [1]). The court may modify the award if: “1. there was a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award; or 2. the arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted; or 3. the award is imperfect in a matter of form, not affecting the merits of the controversy” (CPLR 7511 [c]).

No such grounds are present here.

QBE moved to confirm the Partial Final Award and the Final Award on March 5, 2021. This is within one year of the issuance of the orders on August 4, 2020, and November 4, 2020, as required by CPLR 7510. PAS argues that QBE is not entitled to a money judgment because the amounts due under the Final Award have already been paid (Affirmation of David Fiveson, the

**Fiveson Aff.**, NYSCEF Doc. No. 332, ¶ 6). This is not a ground to vacate an award. No grounds to vacate or modify the award are present. The award will accordingly be confirmed.

CPLR 5020 provides that when “a person entitled to enforce a judgment receives satisfaction or partial satisfaction of the judgment, he shall execute and file with the proper clerk pursuant to subdivision (a) of section 5021, a satisfaction-piece or partial satisfaction-piece . . .” CPLR 5021 (a) (2) provides that the Clerk of the Court “shall make an entry of the satisfaction or partial satisfaction on the docket of the judgment upon . . . the order of the court, made upon motion with such notice to other persons as the court may require, when the judgment has been wholly or partially satisfied but the judgment debtor cannot furnish the clerk with a satisfaction-piece or partial satisfaction-piece.”

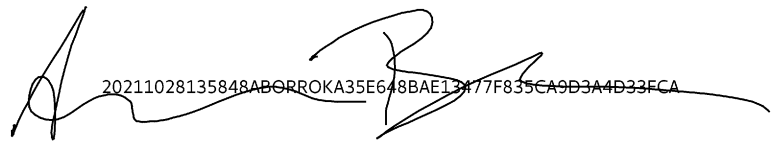
On March 15, 2021, a check was sent from PAS to QBE for \$68,011.84 (NYSCEF Doc. No. 333). PAS asserts in the Fiveson Aff. that this check was sent to fully satisfy the Final Award (NYSCEF Doc. No. 332, ¶ 4). This check included accrued interest at 9% per annum (*id.*). QBE acknowledges receipt of this check (NYSCEF Doc. No. 334, at 3) and that a money judgment is no longer required (*id.*, at 5). While the arbitration award will be confirmed, the Clerk of the Court will enter satisfaction of the judgment.

It is accordingly hereby ORDERED that the Partial Final Award and the Final Award are confirmed; and it is further

ORDERED that Clerk of the Court shall enter judgment for QBE Holdings, Inc. and against Policy Administration Solutions, Inc. in the amount of \$66,375, but shall simultaneously enter satisfaction of the judgment.

10/28/2021

DATE



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ANDREW BORROK, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE