Doc. 16 CitiBank NA v. Hunter 1 WO 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE DISTRICT OF ARIZONA 8 9 CitiBank NA, No. CV-12-2452-PHX-FJM 10 Petitioner, **ORDER** 11 VS. 12 David Hunter, 13 Respondent. 14 15 16 17 Before the Court is petitioner Citibank's Motion for Summary Disposition (doc. 15) 18 of the Application for Confirmation of Arbitration Award (doc. 1). Respondent has not 19 responded and the time for doing so has expired. 20 On or about August 23, 2011, respondent Hunter filed a demand for arbitration with 21 the American Arbitration Association alleging that Citibank violated the Fair Credit 22 Reporting Act and Regulation Z with regard to his credit card accounts. Citibank filed a 23 counterclaim against Hunter seeking to recover the outstanding balances on the accounts. 24 Hunter ultimately withdrew his claim and on April 20, 2012 the arbitrator found in favor of 25 Citibank on its counterclaim. Compl., ex. F, Arbitration Award. 26 On November 14, 2012, Citibank filed an Application for Confirmation of the 27 Arbitration Award ("Application") in this Court, seeking to confirm the Arbitration Award 28 rendered in its favor. Citibank also requested that the Court enter judgment against Hunter

in accordance with the Award. Despite numerous attempts to serve Hunter with a copy of the Application and Summons, as outlined in the Motion for Summary Disposition, Hunter has not responded to the Application or otherwise appeared in this action.

LRCiv 7.2(i) provides that if a party "does not serve and file the required answering memoranda, . . . such non-compliance may be deemed a consent to the . . . granting of the motion and the Court may dispose of the motion summarily." Hunter's failure to respond to the Application for Confirmation of the Arbitration Award is deemed a consent to the granting of the Motion.

Therefore, **IT IS ORDERED GRANTING** petitioner's motion for summary disposition (doc. 15). **IT IS FURTHER ORDERED GRANTING** petitioner's Application for Confirmation of Arbitration Award rendered in favor of Citibank (doc. 1). The clerk shall enter final judgment.

DATED this 11th day of July, 2013.

Frederick J. Martone

Senior United States District Judge