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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID MOLLISON,

Plaintiff,

v.

LVNV FUNDING, LLC; and
RESURGENT CAPITAL SERVICES LP,

Defendants.

Case No.: 3:18-cv-01023-H-WVG

**ORDER GRANTING DEFENDANTS'
MOTION TO CONFIRM THE
ARBITRATION AWARD**

[Doc. No. 30]

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1 On May 22, 2018, Plaintiff David Mollison (“Plaintiff”) filed a complaint against
2 Defendants LVNV Funding, LLC (“LVNV Funding”) and Resurgent Capital Services LP
3 (collectively, “Defendants”). (Doc. No. 1.) On December 14, 2018, the Court granted
4 Defendants’ motion to compel the arbitration of Plaintiff’s claims. (Doc. No. 20.) The
5 parties proceeded to arbitration and, on March 26, 2021, the arbitrator issued the following
6 award:

- 7 1. [Plaintiff] shall take nothing on its claim against Defendants.
- 8 2. [Plaintiff] shall pay to LVNV [Funding] the sum of \$1,424.69 within
9 thirty (30) days of the Award becoming final. If not paid, it shall bear
10 interest at the rate of 10% until paid in full.
- 11 3. Each Party shall bear its own Attorneys’ fees and costs.

12 (Doc. No. 30-1, Ex. A at 4.)

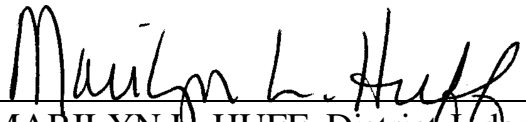
13 On May 14, 2021, Defendants filed a motion requesting the Court to confirm the
14 arbitration award. (Doc. No. 30.) The Court, pursuant to its discretion under Local Rule
15 7.1(d)(1), determines that Defendants’ motion is fit for resolution without oral argument
16 and submits the motion on the parties’ papers. The Court therefore vacates the hearing on
17 the motion currently scheduled for June 14, 2021. The Court also vacates the status
18 conference in this case currently scheduled for June 7, 2021.

19 Specifically, Defendants move the Court to confirm the arbitration award, enter
20 judgment in favor of Defendants on all claims, and award LVNV Funding \$1,424.69 plus
21 interest at the rate of 10% if the sum is not paid within 30 days from the date the award
22 becomes final. (Doc. No. 30 at 4.) On May 17, 2021, Plaintiff filed a notice of non-
23 opposition to Defendants’ motion. (Doc. No. 31.) As a result, the Court grants Defendants’
24 motion and confirms the arbitration award. See 9 U.S.C. § 9 (stating court “must” confirm
25 arbitration award “unless the award is vacated, modified or corrected as prescribed by [9
26 U.S.C. §§ 10-11”); U.S. Life Ins. Co. v. Superior Nat. Ins. Co., 591 F.3d 1167, 1173 (9th
27 Cir. 2010) (“The burden of establishing grounds for vacating an arbitration award is on the
28 party seeking it.”). Consistent with the arbitration award, the Court directs the Clerk to
enter judgment in favor of Defendants and award LVNV Funding \$1,424.69 plus interest

1 at the rate of 10% if the sum is not paid within 30 days from the date the award becomes
2 final. The Court thereafter directs the Clerk to close the case.

3 **IT IS SO ORDERED.**

4 DATED: May 20, 2021

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6 MARILYN L. HUFF, District Judge
7 UNITED STATES DISTRICT COURT
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