

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Lewis T. Babcock, Judge

Civil Action No. 12-cv-00978-LTB

ZAHOUREK SYSTEMS, INC.,

Plaintiff,

v.

CANINE REHABILITATION INSTITUTE, INC.,

Defendant.

ORDER

This case is before me on Defendant Canine Rehabilitation Institute, Inc.'s ("Canine") Motion to Appoint Charles Mudd Arbitrator [Doc # 33] and Plaintiff Zahourek Systems, Inc.'s ("Zahourek") Renewed Request to Appoint Arbitrator [Doc # 34]. After consideration of all related pleadings and the case file, I deny Defendant's motion and grant Plaintiff's request as set forth below.

Zahourek filed its Petition seeking to compel arbitration of its claims against Canine on April 12, 2012, after first demanding that its dispute with Canine be submitted to arbitration on March 25, 2011. Canine opposed Zahourek's Petition primarily by denying that there was an enforceable agreement to arbitrate. This issue was decided in Zahourek's favor, and Zahourek's Petition was granted in part and denied in part on June 14, 2013. Zahourek's Petition was denied to the extent that Zahourek requested I appoint an arbitrator, and the parties were directed to undertake further efforts to agree on an arbitrator. These efforts were apparently unsuccessful, and the parties have now each proposed the appointment of a specific arbitrator.

After seeking to arbitrate this dispute for over two years, Zahourek is entitled to see the arbitration proceed as efficiently as possible. To further this objective, Zahourek has proposed that a local attorney with the requisite experience serve as arbitrator. Canine's objections to this

appointment are without merit. Appointment of Canine's proposed out-of-state arbitrator is also likely to further add to the expense and inordinate delay in getting this dispute resolved.

IT IS THEREFORE ORDERED as follows:

1. Canine's Motion to Appoint Charles Mudd Arbitrator [Doc # 33] is DENIED;
2. Zahourek's Renewed Request to Appoint Arbitrator [Doc # 34] is GRANTED; and
3. Zachary Wilson of the Wilson Law Firm located in Fort Collins, Colorado is hereby appointed as arbitrator in this matter.

Dated: July 31, 2013 in Denver, Colorado.

BY THE COURT:

s/ Lewis T. Babcock
LEWIS T. BABCOCK, JUDGE