

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-81232-CIV-RYSKAMP/VITUNAC

MUHAMMAD A. KAHN,

Plaintiff,

v.

JERRY STIFFEL,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION  
TO STOP JUDGMENT**

THIS CAUSE comes before the Court pursuant to the April 18, 2011 [DE 24] report and recommendation of United States Magistrate Judge Ann E. Vitunac. Defendant has filed two motions, a motion to have the arbitration award converted to a judgment and a motion to determine the interest rate. The Court construes Defendant's motions as a motion to confirm the arbitration award and to enter final judgment in Defendant's favor.<sup>1</sup> Plaintiff filed an "objection and motion to stop the judgment" on April 27, 2011 [DE 27], requesting that the Court refrain from entering a final judgment on the grounds that Plaintiff has appealed the denial of his motion to vacate.<sup>2</sup> The Court has reviewed the report and recommendation, the objection filed thereto and has conducted a de novo review of the underlying record.

In 2008, Defendant hired Plaintiff's firm, Bluechip Securities, Inc. ("Bluechip"), for the provision of brokerage services. In 2009, Defendant commenced arbitration proceedings before

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<sup>1</sup> Both parties are *pro se*. Accordingly, the Court construes each party's filings liberally.

<sup>2</sup> The Court treats Plaintiff's "objection and motion to stop the judgment" as both an objection to the April 18, 2011 report and as a stand alone motion.

the Financial Industry Regulatory Authority (“FINRA”) against Plaintiff and Bluechip, alleging misrepresentations, suitability and churning. On October 1, 2010, a three-member FINRA panel held Plaintiff and Bluechip “jointly and severally liable on the claim of churning” and awarded Defendant \$97,030.00 in compensatory damages, plus \$300 as reimbursement for the claim filing fee. See In the Matter of the Arbitration Between: Jerry Stiffel, Claimant, and Bluechip Securities, Inc. and Muhammad A. Kahn, Respondents, FINRA Case No. 09-02448 (DE 1-2, p. 14). Plaintiff moved this Court to vacate the award, asserting that the arbitrators wrongly refused to postpone the final arbitration hearing.

On February 28, 2011, Judge Vitunac entered a report recommending that the Court deny Plaintiff’s motion to vacate because the arbitrators reasonably refused to postpone the hearing for a third time. The Court adopted the report on March 11, 2011.

The only reason Plaintiff offers for avoiding confirmation of the arbitration award is that Plaintiff has appealed the denial of the motion to vacate. Indeed, on April 1, 2011, Plaintiff filed a notice of appeal of the order denying the motion to vacate. Plaintiff also sought *in forma pauperis* status on appeal. Plaintiff’s appeal terminated on April 28, 2011, however, when the Court denied his motion for *in forma pauperis* status. Whereas the Court has denied Plaintiff’s motion to vacate the arbitration award, and whereas Plaintiff has offered no basis to avoid confirmation of the arbitration award, it is hereby

ORDERED AND ADJUDGED that the April 18, 2011 report and recommendation is ADOPTED, AFFIRMED and APPROVED. Defendant’s motions to convert arbitration award to judgment and determine interest rate [DEs 19, 20] are GRANTED. Final judgment shall be entered by separate order. It is further

ORDERED AND ADJUDGED that Plaintiff's motion to stop judgment, filed April 27, 2011 [**DE 27**], is DENIED.

DONE AND ORDERED at Chambers in West Palm Beach, Florida, this 24th day of May, 2011.

S/Kenneth L. Ryskamp  
KENNETH L. RYSKAMP  
UNITED STATES DISTRICT JUDGE