

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division

ALLIED BEACON PARTNERS, INC.,)	
f/k/a Waterford Investor Services, Inc.)	
)	
Plaintiff,)	
)	
v.)	Civil Action # 13-cv-05165
)	
LOUIS BOSCO, ANNETTE BOSCO,)	
LOUIS AND ANNETTE BOSCO, TRUSTEES)	
OF THE BOSCO FAMILY TRUST)	
DTD 6/25/96, LOUIS AND ANNETTE BOSCO,)	
TRUSTEES OF THE BOSCO FAMILY)	
TRUST DTD 7/31/96, MARY BOROWIAK,)	
MARY BOROWIAK, TRUSTEE OF THE)	
MARY BOROWIAK TRUST,)	
MICHAEL BOROWIAK, RICHARD RUBEL,)	
and DIANE RUBEL,)	
)	
Defendants.)	
_____)	

DEFENDANTS' CROSS-MOTION TO CONFIRM ARBITRATION AWARD

COMES NOW Defendants, by counsel, and pursuant to 9 U.S.C. § 9 files the following Application and Motion to Confirm the Arbitration Award between the parties.

This Motion was initially filed on July 31, 2013 (Docket # 8). At the Status Conference on September 3, 2013 the Court set a briefing schedule for the Motion to Vacate the Arbitration Award and the Cross-Motion to Confirm the Arbitration Award and further stated that "Ruling will be made by mail." (Docket entry #18) Docket entry # 20, however, struck the Motion to Confirm for failure to set it for a hearing. This Cross-Motion to Confirm is being re-filed pursuant to the Court's Minute entry without a Notice

for hearing since the Court has stated that it would rule by mail.

The Plaintiff hereafter will be referred to as “ABP” and the Defendants will hereafter be referred to as the “Bosco Family.”

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332 as this is a controversy between citizens of different states and the amount in controversy exceeds \$75,000.00. ABP is incorporated in Florida and has its principal place of business in Virginia. The Bosco Family are Illinois citizens and Trusts based in Illinois with Trustees who are Illinois citizens.

2. This Court has personal jurisdiction over ABP based upon its filing of an Application and Motion to Vacate, the Court Order referenced below, and ABP’s submission to (by agreement) and participation in the underlying arbitration in Chicago, Illinois.

3. There is an actual controversy between the parties as to their respective rights and obligations under a certain final FINRA arbitration award entered on May 21, 2013.

4. Venue is proper pursuant to 9 U.S.C. § 9.

5. The allegations and arguments contained in the Response to the Application and Motion to Vacate and its accompanying Memorandum are hereby restated and incorporated herein.

6. Pursuant to 9 U.S.C. § 9, the Bosco Family moves for the confirmation of the final FINRA arbitration award dated May 21, 2013, attached as Exhibit A and incorporated herein. The arbitration award was issued after the parties participated in arbitration hearings in Chicago, Illinois on May 13-16, 2013.

7. As shown by Exhibits 12 and 62 attached to the Memorandum in Response to the

Motion to Vacate, ABP was Ordered by a federal Court by final Order (affirmed by the 4th Circuit) to submit all controversies between the parties to binding FINRA arbitration and the parties selected arbitrators, appeared at the hearings and submitted evidence, and are therefore bound by the decision of the arbitration panel.

8. ABP further agreed to arbitrate with the Bosco Family pursuant to the attached Exhibit B which is a Submission Agreement signed on behalf of ABP agreeing to submit the matter in controversy to arbitration and further agreeing that a judgment and any interest due thereon, may be entered upon the arbitration award.

9. ABP has failed to comply with the arbitration award.

10. The Arbitration Award provided that ABP (jointly and severally with other Respondents to the arbitration) were liable to the Bosco Family as follows:

a. Pay the Bosco Family Trust DTD 6/25/96 \$600,000.00 with 10% per annum interest from April 14, 2010;

b. Pay Michael Borowiak \$28,000.00 with 10% per annum interest from April 14, 2010;

c. Pay Mary Borowiak \$376,000.00 with 10% per annum interest from April 14, 2010;

d. Pay Richard Rubel and Diane Rubel \$196,000.00 with 10% per annum interest from April 14, 2010;

e. Pay the Bosco Family Trust DTD 6/25/96, Michael Borowiak, Mary Borowiak, and Richard Rubel and Diane Rubel \$7,500.00 in costs and \$400,000.00 in attorneys fees.

Certificate of Service

I hereby certify that on the 24th day of September, 2013 I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system. A copy of the foregoing was served via the CM/ECF system upon the below counsel for the Plaintiff:

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