

R E C E I V E D

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAN 17 2017

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

LABORERS' LOCAL UNION NOS. 472 &
172 and LABORERS' LOCAL UNION NOS.
472 & 172 WELFARE AND PENSION
FUNDS AND SAFETY, EDUCATION AND
TRAINING FUNDS; ZAZZALI, FAGELLA,
NOWAK, KLEINBAUM & FRIEDMAN,
P.A.,

Petitioners,

v.

TARHEEL ENTERPRISES,

Respondent.

Civ. No. 16-9235

OPINION

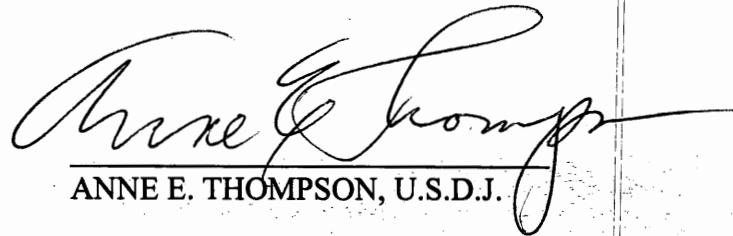
THOMPSON, U.S.D.J.

This matter has come before the Court on a Motion to Confirm the Arbitration Award brought by Petitioners Laborers' Local Union Nos. 472 & 172 ("Laborers' Local Union"), Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds ("Funds"), and Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.A. ("Zazzali"), (collectively, "Petitioners"). (ECF No. 2). This motion is unopposed by Respondent Tarheel Enterprises ("Respondent"). The Court has decided this matter after considering the parties' written submissions and without holding oral argument pursuant to Federal Rule of Civil Procedure 78(b).

Upon review of the evidence presented, this Court finds that Respondent is bound by a collective bargaining agreement with Laborers' Local Union. (Petition to Confirm Arbitration Award at ¶ 2, ECF No. 1). The agreement provides for the submission to arbitration of any controversies concerning delinquent payments to the Laborers' Local Union Nos. 472 & 172

Benefit Funds. (*Id.* at ¶ 3). In accordance with these terms, this dispute was submitted to the Arbitrator J.J. Pierson (“Arbitrator Pierson”). (*Id.* at ¶ 4). Following a hearing held on October 27, 2016, and with proper notices to all parties, Arbitrator Pierson entered an award, in writing that same day. (*Id.*, Ex. B). Arbitrator Pierson’s opinion indicates that Respondent was delinquent in making required contributions to the Funds. (*Id.*, Ex. B).

Pursuant to 9 U.S.C. § 9, this Court has jurisdiction to enforce the awards of arbitrators. Having considered the written submissions of Petitioners; and in light of Respondent’s failure to oppose the motion; and for good cause shown, the Court grants Petitioners’ Motion to Confirm the Arbitration Award. An appropriate order accompanies this opinion.


ANNE E. THOMPSON, U.S.D.J.

Date:

2/17/17