

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SYLVAIN RANIERI,

Plaintiff,

v.

3:10-cv-960

KELLOGG BROWN AND ROOT, INC.,

Defendant.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Plaintiff Sylvain Ranieri commenced the instant action claiming that his employment with Defendant Kellogg Brown and Root, Inc. was terminated because he discovered that Defendant was committing fraud upon the government and refused to participate in the fraud. Presently before the Court is Plaintiff's motion brought by Order to Show Cause seeking a stay of pending arbitration. The basis for Plaintiff's motion is that "proceedings in the arbitration have been unreasonably prejudicial."

The Court is unable to grant the requested relief at this time. As an initial matter, the record does not reflect that Plaintiff has served Defendant with a copy of the summons and complaint. Thus, at this time, the Court does not have personal jurisdiction over Defendant.

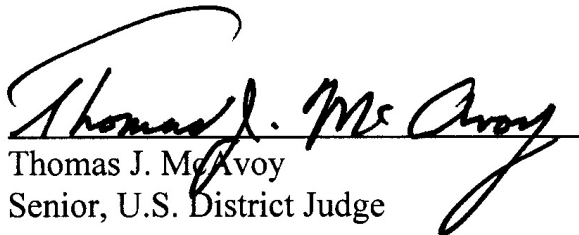
Furthermore, although Plaintiff states that Defendant has refused to consent to a voluntary stay of the arbitration proceedings, Defendant has abused the arbitration process (including ignoring the arbitrator's orders), the arbitrator has refused to act on various

matters, and that the arbitrator has indicated that he will enter a default against Plaintiff unless Plaintiff undertakes certain actions, Plaintiff has failed to identify a proper ground for staying the ongoing arbitration or demonstrated the irreparable harm necessary for injunctive relief. If an arbitration award is obtained by: (1) corruption, fraud, or undue means; or (2) there is evident partiality or corruption in the arbitrator; or (3) the arbitrator engages in misconduct in refusing to postpone the hearing or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced, Plaintiff may seek appropriate relief under 9 U.S.C. § 10(a).

Accordingly, the motion for a stay is DENIED.

IT IS SO ORDERED.

Dated: August 10, 2010

  
Thomas J. McAvoy  
Senior, U.S. District Judge