

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY & VICINITY DISTRICT	:	
COUNCIL OF CARPENTERS,	:	
	:	19-CV-4682 (JMF)
Petitioner,	:	
	:	<u>MEMORANDUM OPINION</u>
-v-	:	<u>AND ORDER</u>
	:	
	:	
HI-TEK BUILDING RENOVATION INC.,	:	
	:	
Respondent.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

On May 21, 2019, Petitioner filed a Petition to Confirm Arbitration. Docket No. 1. On May 22, 2019, the Court set a briefing schedule for Petitioner’s submission of any additional materials in support of the Petition, Respondent’s opposition, and Petitioner’s reply. Docket No. 5. Petitioner served Respondent with the Petition, supporting materials, and the briefing schedule. Docket No. 8. Pursuant to the briefing schedule, Respondent’s opposition was due no later than June 14, 2019. Docket No. 5. To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.


The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue

of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants Petitioner's unopposed petition to confirm the entire Award. Petitioner is directed to file their Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **July 2, 2019**. Petitioner shall also serve this Order upon Respondent electronically and by overnight mail no later than June 27, 2019 and shall file an affidavit of such service with the court no later than July 2, 2019.

SO ORDERED.

Dated: June 25, 2019
New York, New York



JESSE M. FURMAN
United States District Judge