

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT of TEXAS
SAN ANTONIO DIVISION**

**SPECIALIZED TRANSPORT
SERVICE, INC.,**

Plaintiff,

v.

**DIAMOND TRANSPORTATION
SYSTEMS, INC.,**

Defendant.

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CIVIL ACTION NO.

SA-09-CA-0200 NN

ORDER GRANTING MOTION TO CONFIRM AND ENTER FINAL JUDGMENT

On this day came on to be heard the unopposed Motion to Confirm Arbitration Award and Motion to Enter Judgment (docket entry 20).

By Order of July 31, 2009, I granted plaintiff's motion to compel arbitration based on the parties' broker/carrier agreement. On February 1, 2011, plaintiff filed the motion that is now before the Court, based on the January 27, 2011 \$80,000 award for plaintiff by the arbitrator. No response to the motion has been filed.

Section 9 of Title 9, United States Code, states that within one year of the entry of an arbitrator's award, any party may apply to the court for an order confirming the award, and "thereupon the court must grant such an order unless the award is vacated, modified, or corrected...."

Plaintiff filed its motion three days after the award was made by the arbitrator. No party has requested that the award be vacated, modified or corrected.

Accordingly, it is ORDERED, ADJUDGED AND DECREED that plaintiff's motion to confirm is GRANTED and that the Defendant, DIAMOND TRANSPORTATION SYSTEMS, INC, shall pay to Plaintiff total damages of \$80,000.00. Court costs shall be borne by the party incurring same. All other relief not expressly granted herein is denied. This judgment is final.

SIGNED on April 8, 2011.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE