

**SHORT FORM ORDER**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

Present: **HON. ROBERT A. MCDONALD**  
**JUSTICE**

TRIAL/TAS, PART 15  
NASSAU COUNTY

D & W CENTRAL STATION ALARM CO, INC.

X

Petitioner,

Index No: 605566//2021  
Motion Seq. No. 001  
Motion Submitted: 07/14/21

- against -

DECISION AND ORDER

34-19 ENTERTAINMENT CORP. d/b/a  
FORUM NIGHT CLUB and DAVID MILLER,

Respondents.

X

The following papers read on this motion:

NYSCEF Doc. Nos.

Notice of Petition/Petition and Exhibits..... 1 - 6

Petitioner, D & W Central Station Alarm Co., Inc. petitions this court for an order confirming an arbitrator’s award. There is no answer or opposition filed to this petition.

This is a Special Proceeding, brought pursuant to CPLR §§ 7502(a) and 7510 to confirm an arbitration award rendered by a panel of the Mediation & Civil Arbitration, Inc., on April 13, 2020, in the arbitration entitled *D & W Central Station Alarm Co., Inc. v. 34-19 Entertainment Corp. d/b/a Forum Night Club and David Miller*.

“[J]udicial review of arbitration awards is extremely limited.” (*Matter of Sheriff Officers Assn., Inc., v. Nassau County*, 113 AD3d 620 [2d Dept 2014]). In determining any matter arising under CPLR Article 75, “the court shall not consider whether the claim with respect to which arbitration is sought is tenable, or otherwise pass upon the merits of the dispute.” (*See*, CPLR 7501) Accordingly, it is “not for the courts to interpret the substantive conditions of the contract or to determine the merits of the dispute.” (*See, United Fed’n of Teachers, Local 2 v. Board of Educ.*, 1 NY3d 72, 82-83 [2003], quoting *Board of Education, Lakeland Central School District of Shrub Oak v. Barni*, 51 NY2d 894 [1980]). “An arbitration award must be upheld when the arbitrator “offer[s] even a barely colorable justification for the outcome reached.” (*Wien & Malkin LLP v.*

*Helmsley-Spear, Inc.*, 6 NY3d 471, 479.)

The Court of Appeals has recognized “three narrow grounds that may form the basis for vacating an arbitrator’s award - that it violates public policy, is irrational, or clearly exceeds a specifically enumerated limitation on the arbitrator’s power.” (See, *Matter of Shenendehowa Cent. Sch. Dist. Bd. Of Educ.*, 20 NY3d 1026, 1027 [2013]; see also, *Matter of New York City Tr. Auth. v. Transport Workers Union of Am., Local 100*, 14 NY3d 119, 124 [2010]).

Herein, the Court has reviewed the arbitrator’s award and finds that none of the exception to confirming the award apply. Further, the Petition is unopposed. Accordingly, it is hereby

ORDERED, that D & W Central Station Fire Alarm Co., Inc.’s Petition to confirm the arbitrator’s award is GRANTED in its entirety; and it is further,

ORDERED, that D & W Central Station Fire Alarm Co., Inc. is awarded judgment against respondents, jointly and severally, in the amount of \$15,130.00, with interest on the principal sum from August 1, 2020 in the sum of \$605.20 as per the agreement of the parties; together with costs of \$175.00 for a total award of \$15,910.20.

ORDERED, that D & W Central Station Fire Alarm Co., Inc. is hereby directed to settle judgment on notice.

The foregoing constitutes the Decision and Order of this Court.

Dated: September 17, 2021

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ENTER

Robert A. McDonald, J.S.C.