

15-765

Kuruwa v. Turner Construction Company

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 At a stated term of the United States Court of Appeals
2 for the Second Circuit, held at the Thurgood Marshall United
3 States Courthouse, 40 Foley Square, in the City of New York,
4 on the 29th day of March, two thousand sixteen.

5
6 **PRESENT: DENNIS JACOBS,**
7 **PETER W. HALL,**
8 Circuit Judges.
9 **DENISE COTE,***
10 District Judge.

11
12 - - - - -X
13 **DUSHYANT KURUWA,**
14 Plaintiff-Counter-Defendant-
15 **Appellant,**

16
17 **-v.-** **15-765**

18
19 **TURNER CONSTRUCTION COMPANY,**
20 Defendant-Counter-Claimant-
21 **Appellee.**
22 - - - - -X
23

* The Honorable Denise Cote, United States District Court for the Southern District of New York, sitting by designation.

1 **FOR APPELLANT:** Dushyant Kuruwa, pro se, Port
2 Washington, New York.

3
4 **FOR APPELLEE:** Gregory Robert Begg, Peckar &
5 Abramson, P.C., River Edge, New
6 Jersey.

7
8 Appeal from a judgment of the United States District
9 Court for the Southern District of New York (Castel, J.).

10
11 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED**
12 **AND DECREED** that the judgment of the district court be
13 **AFFIRMED.**

14
15 Dushyant Kuruwa appeals from the judgment of the United
16 States District Court for the Southern District of New York
17 (Castel, J.), confirming an arbitral award in favor of
18 Turner Construction Company. We assume the parties'
19 familiarity with the underlying facts, the procedural
20 history, and the issues presented for review.

21
22 "We review a district court's decision to confirm an
23 arbitration award *de novo* to the extent it turns on legal
24 questions, and we review any findings of fact for clear
25 error." Duferco Int'l Steel Trading v. T. Klaveness
26 Shipping A/S, 333 F.3d 383, 388 (2d Cir. 2003). "It is well
27 established that courts must grant an arbitration panel's
28 decision great deference. A party petitioning a federal
29 court to vacate an arbitral award bears the heavy burden of
30 showing that the award falls within a vary narrow set of
31 circumstances delineated by statute and case law all
32 of which involve corruption, fraud, or some other
33 impropriety on the part of the arbitrators." Id.
34 Additionally, "we permit vacatur of an arbitral award that
35 exhibits a 'manifest disregard of law.'" Id. (quoting
36 Goldman v. Architectural Iron Co., 306 F.3d 1214, 1216 (2d
37 Cir. 2002)). "Our review under the doctrine of manifest
38 disregard is 'severely limited.' It is highly deferential
39 to the arbitral award and obtaining judicial relief for
40 arbitrators' manifest disregard of the law is rare." Id. at
41 389 (quoting Gov't of India v. Cargill Inc., 867 F.2d 130,
42 133 (2d Cir. 1989)).

43
44 None of Kuruwa's arguments satisfy this exacting
45 standard.
46

1 For the foregoing reasons, and finding no merit in
2 Kuruwa's other arguments, we hereby **AFFIRM** the judgment of
3 the district court.

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FOR THE COURT:
CATHERINE O'HAGAN WOLFE, CLERK


Catherine O'Hagan Wolfe

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

Date: March 29, 2016

Docket #: 15-765cv

Short Title: Kuruwa v. Turner Construction Company

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 14-cv-5904

DC Court: SDNY (NEW YORK
CITY)

DC Judge: Castel

BILL OF COSTS INSTRUCTIONS

The requirements for filing a bill of costs are set forth in FRAP 39. A form for filing a bill of costs is on the Court's website.

The bill of costs must:

- * be filed within 14 days after the entry of judgment;
- * be verified;
- * be served on all adversaries;
- * not include charges for postage, delivery, service, overtime and the filers edits;
- * identify the number of copies which comprise the printer's unit;
- * include the printer's bills, which must state the minimum charge per printer's unit for a page, a cover, foot lines by the line, and an index and table of cases by the page;
- * state only the number of necessary copies inserted in enclosed form;
- * state actual costs at rates not higher than those generally charged for printing services in New York, New York; excessive charges are subject to reduction;
- * be filed via CM/ECF or if counsel is exempted with the original and two copies.

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

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CITY)
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VERIFIED ITEMIZED BILL OF COSTS

Counsel for

respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the

and in favor of

for insertion in the mandate.

Docketing Fee _____

Costs of printing appendix (necessary copies _____) _____

Costs of printing brief (necessary copies _____) _____

Costs of printing reply brief (necessary copies _____) _____

(VERIFICATION HERE)

Signature