
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

STORAGECRAFT TECHNOLOGY
CORPORATION,

Petitioner,

v.

STORAGECRAFT UK, STORAGECRAFT
DEUTSCHLAND GMBH, SOTEC
SOFTWARE AG, STORAGECRAFT
ITALIA S.R.L., STORAGECRAFT ESPANA
SL, and DOMINIK ZINGG,

Respondents.

**MEMORANDUM DECISION AND
ORDER GRANTING [133] PETITION
TO CONFIRM ARBITRATION AWARD**

Case No. 2:13-cv-01005-DN

District Judge David Nuffer

Petitioner StorageCraft Technology Corporation (“Petitioner”) has filed a Petition to Confirm Arbitration Award (the “Petition”)¹ seeking to enter the Corrected and Amended Final Award dated November 15, 2016 (the “Final Award”)² as a judgment against respondents StorageCraft UK, StorageCraft Deutschland GmbH, SOTEC Software AG, StorageCraft Espana SL, StorageCraft Italia S.r.L., and Dominik Zingg (the “Respondents”). Based on the unopposed Petition, and for good cause appearing, the Petition is GRANTED.

The court finds:

1. The Petitioner and Respondents agreed to submit to arbitration any dispute, controversy, or claim arising out of, relating to, or in connection with their respective contracts or the software that was the subject of their contracts.³

¹ [Docket no. 133](#), filed October 5, 2016.

² [Docket no. 136-1](#), submitted to the court with Notice of Corrected Arbitration Award, [docket no. 136](#), filed Nov. 18, 2016.

³ Master Distributor Agreement § 15.3(ii), [docket no. 6](#).

2. A dispute between the Petitioner and the Respondents was decided by a three-arbitrator panel in an arbitration proceeding administered by the International Centre for Dispute Resolution (“ICDR”), a division of the American Arbitration Association, under its International Dispute Resolution Procedures.⁴

3. The court compelled the Respondents’ participation in the arbitration proceeding by an order⁵ entered November 18, 2015 on the Petitioner’s motion.

4. The ICDR panel issued an initial arbitration award dated August 26, 2016.⁶ This initial award was amended and replaced by the Final Award dated November 15, 2016 and made in Salt Lake City, Utah.⁷

5. The Utah Uniform Arbitration Act provides that a party may petition the court for an order confirming an arbitration award.⁸ The court shall issue a confirming order unless the award is lawfully modified, corrected, or vacated.⁹

6. The Federal Arbitration Act provides that judgment of the court shall be entered upon an arbitration award on an application “to the United States court in and for the district within which such award was made” if no court is specified in the agreement of the parties.¹⁰

7. The parties’ arbitration agreement provides more broadly that “[i]n the absence of challenge, judgment on the award may be entered in any court of competent jurisdiction.”¹¹

⁴ Final Award at 2, [docket no. 136-1](#).

⁵ [Docket no. 132](#).

⁶ Petition to Confirm Arbitration Award at Ex. A, docket 133-1.

⁷ Final Award, [docket no. 136-1](#).

⁸ [Utah Code Ann. § 78B-11-123](#).

⁹ *Id.*

¹⁰ [9 U.S.C. § 9](#).

¹¹ Master Distributor Agreement § 15.3(iii).

8. The Final Award has not been modified, corrected, or vacated.
9. The Respondents have not opposed the Petition.

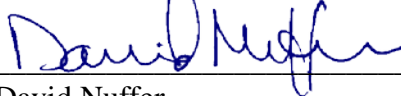
ORDER

IT IS HEREBY ORDERED that the Petition¹² is GRANTED.

IT IS FURTHER ORDERED that judgment be entered in this court on the Final Award.¹³

Dated June 23, 2017.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

¹² [Docket no. 133.](#)

¹³ [Docket no. 136-1.](#)