

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES FOR THE MASON TENDERS DISTRICT	:	
COUNCIL WELFARE FUND, PENSION FUND,	:	
ANNUITY FUND, and TRAINING PROGRAM FUND,	:	19-CV-2700 (JMF)
and JOHN J. VIRGA, in his fiduciary capacity as	:	
director,	:	
	:	
and	:	
	:	
ROBERT BONANZA, as Business Manager of the	:	
MASON TENDERS DISTRICT COUNCIL OF	:	
GREATER NEW YORK,	:	<u>MEMORANDUM OPINION</u>
	:	<u>AND ORDER</u>
Petitioners,	:	
	:	
-v-	:	
	:	
MINELLI CONSTRUCTION CO. INC.,	:	
	:	
Respondent.	:	
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JESSE M. FURMAN, United States District Judge:

On March 26, 2019, Petitioners filed a Petition to Confirm Arbitration. Docket No. 1. On March 27, 2019, the Court set a briefing schedule for Petitioners’ submission of any additional materials in support of the Petition, Respondent’s opposition, and Petitioners’ reply. Docket No. 6. Petitioners served Respondent with the Petition, supporting materials, and the briefing schedule. Docket No. 7. Pursuant to the briefing schedule, Respondent’s opposition was due no later than April 24, 2019. Docket No. 6. To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

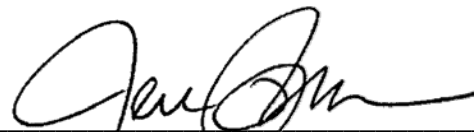
The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council*

*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 Petitioners’ unopposed petition to confirm the entire Award. Petitioners are directed to file their Proposed Judgment electronically, using the ECF Filing Event “Proposed Judgment,” by no later than **May 7, 2019**. By the same date, Petitioners shall refile the declaration in support of their petition, which contains two unredacted Social Security numbers. *See* Docket No. 8, at 98. In the meantime, the Clerk of Court is directed to strike the declaration — Docket No. 8 — from the docket or otherwise render it inaccessible to the public.

SO ORDERED.

Dated: May 1, 2019  
New York, New York



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JESSE M. FURMAN  
United States District Judge