

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 21-21395-CIV-MORENO

THE GOVERNMENT OF THE COOK
ISLANDS,

Petitioner,

vs.

DWANE L. HUBBART,

Respondent.

**ORDER GRANTING PETITION TO RECOGNIZE AND ENFORCE ARBITRAL
AWARD**

THIS CAUSE came before the Court upon Petition to Recognize and Enforce Foreign Arbitral Award (**D.E. 1**), filed on **April 12, 2021**.

THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is GRANTED. The Court notes that the Respondent failed to file a response to the petition. The docket reflects a return of service, and the time for a response has now passed. *See* S.D. Fla. L.R. 7.1(c) (stating that a failure to file a response in opposition to a motion shall be grounds for granting the motion by default). The Court also recognizes that “Confirmation under the [New York] Convention is a summary proceeding in nature, which is not intended to involve complex factual determinations, other than a determination of the limited statutory conditions for confirmation or grounds for refusal to confirm.” *Chelsea Football Club Ltd. v. Mutu*, 849 F. Supp. 2d 1341, 1344 (S.D. Fla. 2012) (quoting *Zeiler v. Deitsch*, 500 F.3d 157, 169 (2d Cir. 2007)). Petitioner has satisfied the

statutory conditions for recognition and enforcement of the award and the Respondent has not provided any response to establish his burden that the Covention's grounds for refusal are met.

Accordingly, the Court grants the petition to recognize and enforce the arbitral award.

DONE AND ORDERED in Chambers at Miami, Florida, this 28th of May 2021.

A handwritten signature in black ink that reads "Federico A. Moreno". The signature is written in a cursive style and is underlined with a single horizontal line.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record