

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. CAROL R. EDMEAD PART IAS MOTION 35EFM

Justice

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MICHAEL GILSON, JOAN MCPHEE

Plaintiff,

- v -

ZEN RESTORATION INC., BERNARD SOBUS,

Defendant.

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INDEX NO. 650815/2021

MOTION DATE 02/04/2021

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 11 were read on this motion to/for CONFIRM/DISAPPROVE AWARD/REPORT.

Petitioners Michael Gilson and Joan McPhee (collectively, "Petitioners"), by their counsel Braverman Greenspun, P.C., having duly filed with this Court on February 4, 2021, (i) a Verified Petition, dated February 4, 2021, with annexed exhibits, including the applicable AIA Agreement dated May 6, 2019, between Petitioners and Respondent Zen Restoration Inc. ("Zen"), executed by Bernard Sobus as President of Zen (Zen and Bernard Sobus shall be collectively referred to as "Respondents") that contained the applicable arbitration clause; (ii) a Notice of Petition, dated February 4, 2021; (iii) the opinion and award of Arbitrator Steven C. Bennett Esq., dated January 20, 2021 (the "Award"); (iv) the decision dated September 1, 2020, by Steven C. Bennett Esq. related to Respondents' motion to dismiss the arbitration; (v) the decision dated November 7, 2020, by Steven C. Bennett Esq. related to Petitioners' dispositive arbitration motion; and (vi) the affidavit of service of the Award, dated January 25, 2021; and

Petitioners having duly served documents (i) through (vi) above upon Respondents as set forth in the affidavits of service filed with this Court on February 17, 2021 (See NYSCEF Docs. #9 & 10); and

Respondents having failed to appear and/or file any opposition or other response to the Verified Petition as required by the Notice of Petition and by Section 2214 of the Civil Practice Law and Rules; and

The Clerk of the Court having designated this matter on the February 26, 2021 return date as “Submitted – No Opposition”; and

The Verified Petition having established that on January 20, 2021, Steven C. Bennett Esq., an arbitrator selected by Petitioners and Respondents and furnished by the American Arbitration Association, issued the Award, which provides that Respondents are jointly and severally liable to Petitioners for the amount of One Hundred Thousand Four Hundred Forty-One Dollars (\$100,441.00), after a hearing that was held on December 15, 2020 during which Petitioners and Respondents presented witnesses and documentary evidence; and

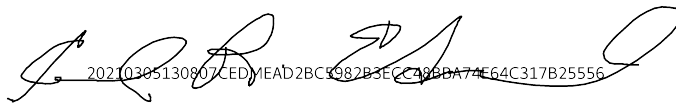
The Verified Petition having established that Respondents had a full and fair opportunity to arbitrate the issues set forth in the Award, and that there are no grounds to vacate or modify the Award; and

Petitioners have shown good cause for the relief requested in the Verified Petition.

This Court **HEREBY GRANTS** Petitioners’ Verified Petition to Confirm the Award; and

IT IS HEREBY ORDERED that the Clerk of the Court is directed to enter Judgment upon the Verified Petition in favor of Petitioners Michael Gilson and Joan McPhee against

Respondents Bernard Sobus, in his individual capacity, and Zen Restoration Inc., jointly and severally, in the amount of \$100,441.00, plus pre-judgment and post-judgment interest at the statutory rate of 9% from January 20, 2021, the date of the Award, plus costs and other disbursements.



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<u>3/5/2021</u> DATE					<u>CAROL R. EDMEAD, J.S.C.</u>
CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED		<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/>	FIDUCIARY APPOINTMENT
				<input type="checkbox"/>	REFERENCE