

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JOAN M. KENNEY
Justice

PART 8

Index Number : 650542/2015
HANOVER INSURANCE COMPANY
vs
VASQUEZ, DEMETRIO
Sequence Number : 002
VACATE OR MODIFY AWARD

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause -- Affidavits -- Exhibits No(s)
Answering Affidavits -- Exhibits No(s)
Replying Affidavits No(s)

Upon the foregoing papers, it is ordered that this motion is

It is not clear to this Court why the arbitration award fails to name the claimant in the caption. Nevertheless, the award itself is arbitrary and fails to substantiate its findings and in fact, ignored medical records that did show a causal connection between the accident and the injury - something respondents were unable to refute with evidentiary submissions upon which the arbitrator could have relied upon. For this and a plethora of other reasons, the arbitration award must be set aside. Accordingly, it is hereby

ADJUDGED that the petition is granted and the award dated February 17, 2016, is vacated; and it is further

ADJUDGED that the parties proceed to arbitration forthwith with SUM arbitration to be held by a new arbitrator assigned by the American Arbitration Association and petitioner's counsel shall serve a copy of this judgment upon the arbitral tribunal.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 5/9/16

HON. JOAN M. KENNEY J.S.C.

- 1. CHECK ONE: [X] CASE DISPOSED [] NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: [] GRANTED [] DENIED [] GRANTED IN PART [] OTHER
3. CHECK IF APPROPRIATE: [] SETTLE ORDER [] SUBMIT ORDER
[] DO NOT POST [] FIDUCIARY APPOINTMENT [] REFERENCE