

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK: SMALL CLAIMS

-----X  
*ELENA SASSOWER*  
Claimant,

Index No.: SC 187 ~~1200~~ 2014  
DECISION AND ORDER

-against-  
*ANNA CAPELLER*  
Defendant.  
-----X

The movant seeks to vacate an adverse Small Claims arbitration award.

The parties signed an arbitration consent form wherein it was agreed that the award was final and waived the right of appeal (22 NYCRR Section 208.41[n][2]). It is well settled that the losing party is not entitled to a review on the merits in the guise of a motion to vacate the award (Gilat v. Second Hand Dealer General, 9 Misc.3d 134 [App. Term, NY Co. 2005]). In order to vacate the award, there must be a showing of bias or prejudice (Mo v. Liu, 10 Misc.3d 143 [App. Term, NY Co. 2006]).

Movant has failed to establish that the arbitrator was biased or prejudiced or engaged in misconduct. Accordingly, the court declines to sign the order to show cause.

This decision constitutes the order of the court.

Date:  
New York, New York

*JAP* 5-28-15  
JCC  
HON. JOSE A. PADILLA, JR.