

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Czech Republic,

Petitioner,

- against -

18 Civ. 7565 (NRB)

AllY LTD.,

MEMORANDUM AND ORDER

Respondent.

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**NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE**

Petitioner Czech Republic initiated this action on August 20, 2018, by filing a petition to confirm a foreign arbitral award.¹ Respondent AllY LTD. has not responded to the petition, and its time to do so has expired. Accordingly, the Clerk of Court entered default against the respondent on December 26, 2018. See ECF No. 23.

When, as here, a respondent declines to respond to a petition "to confirm . . . an [arbitral] award," which is "accompanied by a record [that includes the governing] agreement to arbitrate and the arbitra[l] award decision itself, . . . the petition and accompanying record [are to be] treated as akin to a[n] [unopposed] motion for summary judgment." D.H. Blair & Co.

¹ The petition is directed at confirming the grant of \$373,932.20 in arbitration costs and expenses to the Czech Republic -- the respondent and prevailing party in the arbitral proceeding.

v. Gottdiener, 462 F.3d 95, 109 (2d Cir. 2006). In deciding such a motion, a court must conduct an independent review of "the moving party's submission[s] to determine if [the movant] has [in fact] met its burden of demonstrating that" it is entitled to judgment as a matter of law. Id. at 110 (quoting Vermont Teddy Bear Co. v. 1-800 Beargram Co., 373 F.3d 241, 244 (2d Cir. 2004)); accord Jackson v. Fed. Exp., 766 F.3d 189, 195-98 (2d Cir. 2014). The Court has undertaken the necessary independent review and determined that all material facts are undisputed, that those facts are grounded in admissible evidence, and that those facts entitle the petitioner to the relief requested as a matter of law.

For the foregoing reasons, the Clerk of Court is directed to enter judgment granting the petition to confirm the arbitral award of \$373,932.20 in favor of the Czech Republic. The Clerk is further directed to terminate the motion pending at docket entry 8 and to close the case.

SO ORDERED

Dated: New York, New York
December 28, 2018


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE