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MEMORANDUM DECISION

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU - PART 15**

**Present: HON. WILLIAM R. LaMARCA
Justice**

CACH, LLC.,

Petitioner,

-against-

KATE G. MOROTTI,

Respondent.

**Motion Sequence #1
Submitted January 16, 2009**

INDEX NO: 20410/08

The following papers were read on this petition:

Notice of Verified Petition and Verified Petition.....1

Petitioner, CACH, LLC., (hereinafter referred to as "CACH"), the assignee of all rights and title to the debt and consumer loan agreement between respondent, KATE G. MOROTTI and the MBNA Bank, N.A., moves pursuant to CPLR Article 75 for an order confirming the award of the Arbitrator, dated February 1, 2008, in the sum of \$4,320.03, and directing that judgment be entered thereon with interest. An Affidavit of Service reflects service of the instant petition upon respondent, KATE G. MOROTTI, on November 26, 2008, pursuant to CPLR §308(4), by "nail and mail" service after three (3) prior attempts to personally serve her at her usual place of abode, and with mailing on

December 1, 2008, but no papers are submitted in opposition to the petition, which is determined as follows:


Petitioner states that CACH is the successor in interest to MBNA Bank, N.A., that entered into a retail installment credit card with respondent which provided for arbitration of disputes that arose between the parties. When a dispute arose, petitioner submitted the matter for arbitration to the National Arbitration Forum, which appointed an arbitrator pursuant to its' rules, on notice to respondent, who failed to appear at the arbitration. On February 1, 2008, the arbitrator heard petitioner's proof and issued an award in CACH's favor in the amount of \$4,320.03, copies of which were sent to the parties on February 4, 2008. Counsel for petitioner states that the petition to confirm is brought within one (1) year after delivery of the award to petitioner and the award has not been vacated or modified. After a careful reading of the submission herein, and there being no opposition, it is the judgment of the Court that petitioner is entitled to the requested relief. Therefore, petitioner's motion is granted, without opposition, to the extent that the award of the Arbitrator is affirmed in the sum of \$4,320.33, with interest from February 1, 2008.

The Court hereby refers the proposed order to the Clerk's office for review and, if found to be in accordance with this decision, same will be signed.

All further requested relief not specifically granted is denied.

This constitutes the decision and order of the Court.

Dated: March 23, 2009


WILLIAM R. LaMARCA, J.S.C.

ENTERED

MAR 27 2009

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**

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