

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION AT LONDON

McCREARY COUNTY
HERITAGE FOUNDATION, INC.
d/b/a BIG SOUTH FORK SCENIC
RAILWAY,

PLAINTIFF

V.

CASE NO. 6:18-CV-00249-CHB

WASATCH RAILROAD
CONTRACTORS, et al.,

DEFENDANTS

**ORDER AND JUDGMENT
CONFIRMING ARBITRATION AWARD**

This matter is before the Court on the motion of the Plaintiff, McCreary County Heritage Foundation, Inc. d/b/a Big South Fork Scenic Railway, for an order and judgment confirming an arbitration award in its entirety pursuant to the applicable provisions of 9 U.S.C. § 9.

The Plaintiff and Defendants are parties to a contract evidencing transactions involving commerce to settle by arbitration a controversy thereunder arising out of such contract or transaction within the meaning of 9 U.S.C. § 2. In 2019 the Plaintiff initiated an arbitration proceeding against the Defendants by filing a Demand for Arbitration with the American Arbitration Association, Construction Industry Rules. The arbitrator conducted an in-person hearing and issued an award (the “Award”) on September 30, 2020. A copy of the Award is attached hereto as **Exhibit A**.

Accordingly, the Court having reviewed the record and being duly and sufficiently advised, it is ORDERED, ADJUDGED, and DECREED that:

1. This Court has subject matter jurisdiction of this action to confirm an arbitration award pursuant to 9 U.S.C. 9.

2. This Court has jurisdiction over the persons of the Defendants.

3. Venue properly is established in this Court pursuant to 9 U.S.C. § 9 because the arbitration hearing which resulted in the subject award was held and the award was made in Stearns, McCreary County, Kentucky.

4. The parties agreed, in a written agreement evidencing transactions involving commerce, to settle by arbitration an existing controversy or any controversy thereafter arising out of such contract or transactions between the parties, under such agreements.

5. The arbitrator conducted an in-person final hearing in Stearns, Kentucky. A copy of the Award, which was made on September 30, 2020, is attached as Exhibit A and is incorporated in its entirety by reference.

6. The parties agree and applicable law provides that a judgment may be entered upon the Award made pursuant to the arbitration proceeding.

7. Plaintiff's application for an order and judgment confirming the Award is GRANTED. The Award, the terms and conditions of which are incorporated herein in their entirety by reference, is confirmed as the judgment of this Court and, pursuant to 9 U.S.C. § 9, may be enforced as any other judgment or decree.

8. Plaintiff shall also have a judgment against Defendant, Wasatch Railroad Contractors, for post-judgment interest pursuant to 28 U.S.C. § 1961 from September 30, 2020, until paid in full.

It is so ordered.