

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
(at London)

HERITAGE FOUNDATION, INC., d/b/a	)	
BIG SOUTH FORK SCENIC RAILWAY,	)	
	)	Civil Action No. 6:18-CV-249-CHB
Plaintiff,	)	
	)	
v.	)	ORDER UNSTAYING
	)	PROCEEDINGS AND CONFIRMING
WASATCH RAILROAD	)	ARBITRATION AWARD
CONTRACTORS, et al.,	)	
	)	
Defendants.	)	

*** **

This matter is before the Court on Plaintiff's Motion to Unstay Proceedings [R. 18] and Motion for Order Confirming Arbitration Award [R. 19]. Neither Defendant has responded.

When the parties agree to arbitration, the Court must confirm the award unless the Court finds reason to vacate, modify, or correct the award. 9 U.S.C. § 9. "The Federal Arbitration Act presumes that arbitration awards will be confirmed." *Dawahare v. Spencer*, 210 F.3d 666, 669 (6th Cir. 2000). The Court previously found the parties agreed to arbitration [R. 12], and the Court finds no reason to vacate, modify, or correct the award.

The Court, having reviewed the record and being otherwise sufficiently advised,
ORDERS as follows:

1. Plaintiff's Motion to Unstay Proceedings [R. 18] is **GRANTED**.
2. Plaintiff's Motion for Order Confirming Arbitration Award [R. 19] is **GRANTED**.
3. The September 30, 2020 Arbitration Award in the matter of *McCreary County Heritage Foundation d/b/a Big South Fork Scenic Railway v. Wasatch Railroad Contractors and John E. Rimmasch*, American Arbitration Association, Construction Industry Arbitration Tribunal, Case

No. 01-19-0002-2727 [R. 19-1] awarding Plaintiff \$730,284.60 against Defendant Wasatch Railroad Contractors and the additional amount of \$3,825.00 against Wasatch Railroad Contractors and John E. Rimmasch is **CONFIRMED** under 9 U.S.C. § 9.

4. This is a **FINAL** and **APPEALABLE** judgment, and there is no just cause for delay.

This the 24th day of November, 2020.



Claria Horn Boom

CLARIA HORN BOOM,
UNITED STATES DISTRICT COURT JUDGE
EASTERN AND WESTERN DISTRICTS OF
KENTUCKY