

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL CASUALTY
COMPANY,
Petitioner,

Civil Action No. 14-cv-2895 (DC/JF)

v.

RESOLUTE REINSURANCE
COMPANY,
Respondent.

PETITION FOR APPOINTMENT OF ARBITRATION UMPIRE

SUMMARY OF ACTION

Petitioner National Casualty Company (“NCC”) and Respondent Resolute Reinsurance Company (“Resolute”) are engaged in a dispute regarding each party’s respective obligations to the other under a certain reinsurance contract, the Facultative Loss Certificate No. 04847 (the “Certificate” or “Agreement”). Pursuant to the terms of the Certificate, the parties agreed to submit the dispute to arbitration. The parties also have engaged in the initial process of selecting a three-person arbitration panel, as set forth under the terms of the Certificate. The two party-appointed arbitrators have now been selected. The neutral umpire was also selected but, because of a conflict, has withdrawn. The parties have attempted unsuccessfully to negotiate a process for selecting a replacement umpire. Because the parties cannot agree, they have thus reached an impasse which has necessitated the Court’s appointment of an umpire.

Accordingly, NCC petitions the Court, pursuant to Section 5 of the Federal Arbitration Act (“FAA”), 9 U.S.C. § 5, to promptly appoint an umpire in order that the parties can expeditiously proceed in arbitrating their dispute through to a resolution.

THE PARTIES

1. Petitioner NCC is a Wisconsin insurance company with its principal place of business in Scottsdale, Arizona.

2. Resolute is a reinsurance company that, upon information and belief, was incorporated in the State of Delaware; registered, among other places, to do business in the state of New York.

JURISDICTION AND VENUE

3. Jurisdiction is based on diversity of citizenship. Consistent with 28 U.S.C. § 1332, the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. Venue is appropriate within this district based on 28 U.S.C. § 1391, the FAA, and the terms of the Certificate which provides that the arbitration shall be held in New York County.

BASIS OF CLAIM FOR RELIEF

5. NCC and Resolute are parties to a reinsurance agreement, the Certificate, which requires the parties to arbitrate disputes between them that relate to interpretation of the Certificate:

Should any difference of opinion with respect to the interpretation of this certificate arise between Resolute and [NCC], which cannot be resolved in