WORLDWIDE ASSET PURCHASING LLC.,	X Index No. 85344/07
Plaintiff, -against-	DECISION and ORDER Present: Hon. Nelida Malave-Gonzalez
OJINGA AUSTIN,	
Defendant.	
Recitation, as required by CPLR § 2219(a), of the pap cross-motion(s), as indicated below: Papers	X ers considered in the review of motion(s) and/or
2 upo10	Numbered
Notice of Motion and Affidavits Affixed	1
Answering Affidavits	
Replying Affidavits	

unenforceable as a matter of public policy as the National Arbitration Forum (hereinafter "NAF") was not a neutral forum.

After a review of the parties submission, this Court finds that Defendant was not properly served with the Petition to Confirm Arbitration Award as he did not reside at 40 Metropolitan Oval, Apt 7D, Bronx, N.Y.10462 since 2003. Moreover, the NAF, which is now defunct, was not a neutral party as it engaged in institutional bias and was affiliated with the debt collection industry militates in favor of vacating this arbitration award. Accordingly, it is

ORDERED, the motion to vacate the default judgment and underlying arbitration award, and to dismiss the petition to confirm the arbitration award is granted. It is further,

ORDERED, the income execution order and the underlying arbitration award dated March 27, 2007 entered against Defendant, OJINGA AUSTIN, on February 4, 2009 and April 22, 2008, respectively are hereby vacated, and this action is dismissed.

Defendant shall serve a copy of this Order with Notice of Entry upon Plaintiff.

The foregoing constitutes the Decision and Order of the Court.

Civil Court 1 2012 of the 4 York

BRONX COUNTY