

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 2<sup>nd</sup> day of September, two thousand nine.

PRESENT:

Robert A. Katzmann,  
Peter W. Hall,  
*Circuit Judges,*  
Edward R. Korman,\*  
*District Judge.*

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Theresa B. Bradley,  
*Plaintiff-Appellant,*

v.

08-0269-cv

Merrill Lynch & Company, Inc.,  
*Defendant-Appellee.*

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\*Edward R. Korman, Senior Judge of the United States District Court for the Eastern District of New York, sitting by designation.

FOR APPELLANT: Theresa B. Bradley, *pro se*, Columbus, GA  
FOR APPELLEES: David Stuart Richan, Baritz & Colman LLP, New  
York, N.Y.

Appeal from a judgment of the United States District Court  
for the Southern District of New York (Preska, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, and  
DECREED** that the judgment of the district court be and hereby is  
**AFFIRMED.**

Appellant Theresa B. Bradley, *pro se*, appeals the district  
court's judgment denying her motion to vacate an arbitration  
award entered against her after arbitrating claims against  
Merrill Lynch & Company, Inc. We assume the parties' familiarity  
with the underlying facts, the procedural history of the case,  
and the issues on appeal.

Arbitration awards are subject to "severely limited" review  
by the courts. *Willemijn Houdstermaatschappij, BV v. Standard  
Microsystems Corp.*, 103 F.3d 9, 12 (2d Cir. 1997) (internal  
quotation omitted). We "review a district court's decision to  
confirm an arbitration award *de novo* to the extent it turns on  
legal questions, and ... review any findings of fact for clear  
error." *Duferco Int'l Steel Trading v. T. Klaveness Shipping  
A/S*, 333 F.3d 383, 388 (2d Cir. 2003).

"A party petitioning a federal court to vacate an arbitral  
award bears the heavy burden of showing that the award falls

within a very narrow set of circumstances delineated by statute and case law.” *Id.* The Federal Arbitration Act provides that, upon a motion by any party to an arbitration, a district court may vacate an arbitration award in the following circumstances:

(1) where the award was procured by corruption, fraud, or undue means; (2) where there was evident partiality or corruption in the arbitrators, or either of them; (3) where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced; or (4) where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

9 U.S.C. § 10(a)(1)-(4). We have also held that an arbitration award may be vacated if it exhibits a “manifest disregard of the law.” *Wallace v. Buttar*, 378 F.3d 182, 189 (2d Cir. 2004) (internal quotations omitted). When a party asserts that the arbitrator engaged in misconduct, “except where fundamental fairness is violated, arbitration determinations will not be opened up to evidentiary review.” *Tempo Shain Corp. v. Bertek, Inc.*, 120 F.3d 16, 20 (2d Cir. 1997).

Here, the district court properly denied Bradley’s motion to vacate the arbitration award. Other than disagreeing with the outcome, Bradley has failed to provide any support for her claims that the arbitration panel in this case was corrupt and displayed a manifest disregard of the law. Moreover, Bradley does not point to where in the record she requested an adjournment of the

proceedings due to Merrill Lynch's failure to turn over documents, and an independent review of the arbitration transcript reveals that at no point did Bradley request to postpone the proceedings on that basis. Accordingly, Bradley has not raised any substantial issues on appeal that could warrant relief on this record, and she failed to meet her ultimate burden of showing the invalidity of the arbitration award. See *Willemijn*, 103 F.3d at 12.

We have carefully reviewed the Appellant's remaining arguments and find them to be without merit.

For the foregoing reasons, the judgment of the district court is hereby **AFFIRMED**.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: \_\_\_\_\_