**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/). 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 ninth day of October two thousand and nine.

PRESENT:

> JOSEPH M. MCLAUGHLIN,
> JOSÉ A. CABRANES,
>   *Circuit Judges.*
> EDWARD R. KORMAN,
>   *District Judge.**

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ONEBEACON AMERICA INSURANCE COMPANY,

   Petitioner-Appellant,

v.

PETER C.B. MITCHELL and CHRISTOPHER J. HUGHES

   *Respondents-Appellees.***

Nos.   08-3432-cv(L)
       08-3448-cv(C)

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* The Honorable Edward R. Korman, of the United States District Court for the Eastern District of New York, sitting by designation.

** The Clerk of Court is directed to amend the official caption to conform to the listing of the parties stated above.

FOR PETITIONER: MARK RABINOWITZ (James R. Pranger and
Christopher D. Mickus, *on the brief*, David
Parker, Kleinberg, Kaplan, Wolff & Cohen,
PC, New York, NY, *of counsel*), Neal, Gerber
& Eisenberg LLP, Chicago, IL

FOR RESPONDENT: THOMAS S. MARTIN (Joanna Shally, Jonathan
R. DeFosse, Keith R. Palfin, Justin L.
Harrison, *on the brief*), Shearman & Sterling,
Washington, D.C. and New York, NY

      UPON CONSIDERATION WHEREOF, **IT IS HEREBY ORDERED,
ADJUDGED, AND DECREED** that the judgment of the United States District Court for the
Southern District of New York (Thomas P. Griesa, *Judge*) is **AFFIRMED**.

      Petitioner-appellant OneBeacon America Insurance Company ("petitioner") appeals from an
opinion and order of the District Court entered May 30, 2008, which adopted the previously vacated
order of that Court (Richard M. Berman, *Judge*), denied petitioner's motion to vacate arbitration
awards, and confirmed those awards. On appeal petitioner argues primarily that the District Court
(1) misinterpreted the mandate of another panel of this Court, *see Commercial Union Ins. Co. v. Lines*,
378 F.3d 204, 209 (2d Cir. 2004), (2) erred in concluding that confirmation of the arbitration awards
would not violate fundamental equitable principles, and (3) made numerous factual findings that are
"clearly erroneous." We assume the parties' familiarity with the factual and procedural history of the
case.

      We agree with the District Court's interpretation of the mandate and find no error in its
conclusion that petitioner was not prejudiced in the arbitration proceedings or in its determination
that confirming the arbitration awards would not violate the Court's equitable principles.
Substantially for the reasons stated by the District Court in its careful and thoughtful opinion and
order of May 3, 2008, *Commercial Union Ins. Co. v. Lines*, Nos. 02 Civ. 0573, 03 Civ. 7376, 2008 WL
2234634, at *10, 12 (S.D.N.Y. May 30, 2008), the judgment of the District Court is **AFFIRMED**.

      We remand the cause to the District Court to determine what, if any, of the material filed in
connection with this case should remain under seal.

                                      FOR THE COURT,
Catherine O'Hagan Wolfe, Clerk of Court

By _____