

[Vitra, Inc. v Ninety-Five Madison Co., L.P.](#)

Supreme Court of New York, Appellate Division, First Department

October 13, 2020, Decided; October 13, 2020, Entered

Appeal No. 12037N, Case No. 2019-03344

Reporter

2020 N.Y. App. Div. LEXIS 6007 *; 2020 NY Slip Op 05709 **; 2020 WL 6039565

[1]** [Vitra, Inc.](#), Plaintiff-Respondent, v Ninety-Five Madison Company, L.P., Defendant-Appellant. Index No. 652342/17

Notice: THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING RELEASE OF THE FINAL PUBLISHED VERSION.

THIS OPINION IS UNCORRECTED AND SUBJECT TO REVISION BEFORE PUBLICATION IN THE OFFICIAL REPORTS.

Core Terms

arbitration

Counsel: **[*1]** Verrill Dana LLP, White Plains (Robert Laplaca of counsel), for appellant.

Sills Cummis & Gross P.C., New York (Joshua N. Howley of counsel), for respondent.

Judges: Before: Webber, J.P., Mazzarelli, Oing, Shulman, JJ.

Opinion

Order, Supreme Court, New York County (Saliann Scarpulla, J.), entered July 24, 2019, which denied defendant's motion to disqualify an arbitrator and vacate his rulings, unanimously affirmed, without costs.

Defendant failed to demonstrate implicit gender bias against its female sole general partner in the arbitrator's comments in an email and throughout the course of the proceedings (see [Batyreva v N.Y.C. Dept. of Educ.](#), [95 AD3d 792 \[1st Dept 2012\]](#)).

We note that plaintiff's principal and representative in the arbitration proceeding were also women.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: October 13, 2020

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