

STATE OF MICHIGAN
IN THE TRIAL COURT FOR THE COUNTY OF BERRIEN
CIVIL DIVISION

TSP SERVICES, INC. d/b/a
TSP ENVIRONMENTAL, a
Michigan corporation,

Plaintiff/Counter-Defendant,

File No:2016-000018-CB
Honorable John M. Donahue

v

NATIONAL-STANDARD, LLC,
a Delaware limited liability company,
DW-NATIONAL STANDARD-NILES, LLC,
d/b/a NATIONAL-STANDARD, LLC,
a Delaware limited liability company,
NATIONAL-STANDARD COMPANY,
an Indiana corporation, and
ENVIRONMENTAL DEMOLITION GROUP, LLC,
a Kentucky limited liability company,

Defendants/Cross-Defendants,

-and-

ENVIRONMENTAL DEMOLITION GROUP, LLC,

Counter and Cross Plaintiff.

Mark D. Sassak, P53614
Attorney for Plaintiff TSP Services
Deneweth, Dugan & Parfitt, P.C.
1175 W. Long Lake Road, Ste. 202
Troy, MI 48098
Phone: 248-290-0400
Fax: 248-290-0400
msassak@ddp-law.com

Scott R. Murphy, P68015
Attorney for Defendants National
Barnes & Thornburg, LLP
171 North Monroe Ave., NW, Ste. 1000
Grand Rapids, MI 49503-2694
Phone: 616-742-3930
Fax: 616-742-3999
smurphy@btlaw.com

OPINION

This matter was submitted to Arbitration by the parties by an agreement dated February 11, 2016. The Arbitrator was given broad authority and was to provide a "Standard Award".

This Court's authority to vacate such an award is severely restricted to cases in which an error of law appears from the face of the award. Here the Arbitrator's Initial Award was entered on February 2, 2017 and was then confirmed as a Final Award on February 10, 2017. Defendant's Motion to Vacate Arbitration Award is now pending before this Court while Plaintiff seeks an order confirming the Arbitration Award.

This Court finds that the damages awarded are compensable under MCL 570.1120 and under generally accepted principles of contract law. There is no error of law on the face of the award.

Defendant's motion is denied and the Arbitration Award shall be confirmed upon presentation of an Order, in conformity with this Opinion, by counsel for Plaintiff.

Plaintiff's claim for post arbitration attorney fees is denied.

Dated: 12/20/17

/s

John M. Donahue, P38669
Circuit Judge – Civil Division

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon attorneys and/or parties of record to the above cause by mailing the same to them at their respective address as disclosed by the file, with postage fully prepaid on 12/20/17.

/s

Denise Lane, Deputy Clerk