

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

HAL WEISER & DAVID MEREDITH	:
Plaintiffs,	:
	:
-vs-	: Civ. No. 3:98cv2483 (PCD)
	:
PETER FRIEDMAN, PETER R.	:
FRIEDMAN, LTD., LAURA BENNETT,	:
& DAVID MILNER,	:
Defendants.	:

RULINGS ON APPEAL OF ARBITRATION PANEL ORDER AND MOTION
TO STAY ARBITRATION PROCEEDINGS PENDING APPEAL

Defendant David Milner appeals from a ruling of an arbitration panel and moves to stay further proceedings in arbitration while the appeal is pending. For the reasons set forth herein, the appeal is dismissed and the motion to stay arbitration proceedings is denied.

The present dispute involves alleged improprieties in a real estate investment partnership. By rulings on October 28, 1999, and December 27, 1999, the case was dismissed pursuant to an arbitration agreement. On December 11, 2001, the arbitration panel denied defendant's claim that certain documents were protected by an attorney-client privilege. On January 23, 2002, defendant appealed from this evidentiary ruling and moved to stay arbitration proceeding pending a decision on his appeal.

The merits of defendant's attorney-client privilege claim need not be addressed as defendant has cited no basis on which jurisdiction may be sustained over his appeal.¹ "[A] district court is without

¹ Defendant alleges that the arbitration panel granted him leave to appeal the ruling on the existence of an attorney-client privilege. Jurisdiction over the present appeal may no more be conferred by the arbitration panel than by stipulation of the parties. See *W.G. v. Senatore*, 18 F.3d 60, 64 (2d Cir. 1994).

authority to review the validity of arbitrators' rulings prior to the making of an award" *Michaels v. Mariforum Shipping, S.A.*, 624 F.2d 411, 414 (2d Cir. 1980). This prohibition is founded upon the sound rationale that "a district court should not hold itself open as an appellate tribunal during an ongoing arbitration proceeding, since applications for interlocutory relief result only in a waste of time, the interruption of the arbitration proceeding, and . . . delaying tactics in a proceeding that is supposed to produce a speedy decision." *Id.* (internal quotation marks omitted). Review of an evidentiary ruling constitutes an impermissible interlocutory appeal that will not be entertained until such time as a final arbitration award issues.

Defendant's motion to stay arbitration proceedings (Doc. 45) is **denied**. Defendant's appeal of the ruling of the arbitration panel (Doc. 47) is **dismissed**.

SO ORDERED.

Dated at New Haven, Connecticut, February ____, 2002.

Peter C. Dorsey
United States District Judge