

# **Bond Case Briefs**

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## **IMMUNITY - NEW YORK**

### **Certain Underwriters at Lloyd's London v. Edouch Elsa Independent School District**

**United States District Court, S.D. New York - April 8, 2024 - F.Supp.3d - 2024 WL 1514020**

After party-appointed arbitrators were unable to agree upon umpire, commercial property insurers filed petition asking court to designate and appoint umpire under arbitration agreement with insured school district and Federal Arbitration Act (FAA).

Insured moved to dismiss petition for lack of subject matter jurisdiction.

The District Court held that:

- School district was not arm of state and, thus, was not entitled to Eleventh Amendment immunity;
- District court had authority to appoint neutral umpire under arbitration agreement;
- Party-appointed arbitrator was not required to file petition asking court to designate and appoint umpire, and thus insurers properly filed petition; and
- Retired magistrate judge of Southern District of New York, rather than retired Texas state court judge, was best suited to serve as umpire.