

**VIRGINIA: IN THE CITY OF VIRGINIA BEACH GENERAL DISTRICT COURT
CACV OF COLORADO, LLC**

Plaintiff,

v.

Case No. GV06-004208-00

GLENN RUBIN,

Defendant.

ORDER

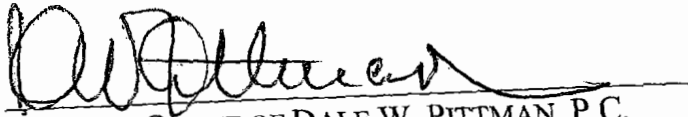
This day came the parties on the Plaintiff's action to confirm an arbitration award that Plaintiff claims to have obtained against Defendant in an arbitration through the National Arbitration Forum. After finding that there was no hearing before the arbitrator and that the parties did not agree that there would be no hearing, the Court is of the opinion it cannot confirm the award that Plaintiff claims to have obtained, in light of the Virginia Supreme Court's ruling in Bates v. McQueen, 270 Va. 95, 613 S.E. 2d 566 (2005). In consideration whereof, and deeming it proper to do so, it is hereby ORDERED that Plaintiff's action be, and the same hereby is, dismissed with prejudice.

The Clerk is directed to send a copy of this Order to all counsel of record.

4-21-06
Date

LMKneue
Judge

I Ask For This:



THE LAW OFFICE OF DALE W. PITTMAN, P.C.

The Eliza Spotswood House

112-A West Tabb Street

Petersburg, Virginia 23803-3212

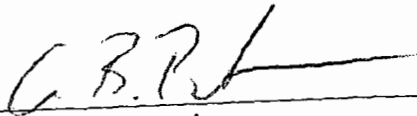
(804) 861-6000

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By: Dale W. Pittman, VSB#15673

Counsel for Defendant

Seen And Objected To:



Anne B. Prentice, Esquire

MARTIN & SEIBERT, LC

P.O. Box 1085

Martinsburg, WV 25402-1085

Counsel for Plaintiff

Virginia Beach General District Court

I, the undersigned clerk or deputy clerk of the above-named court, authenticate pursuant to VA. Code § 8.01-391 (C) on this date that the document to which this authentication is affixed is a true copy of a record in the above-named court, made in the performance of my official duties.

4/21/06

Date

Clerk



Deputy Clerk