

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Case No.

AMERICA STEEL TRADE
CORPORATION,

Petitioner,

v.

METALHOUSE LLC,

Respondent.

_____ /

PETITION TO CONFIRM ARBITRATION AWARD

In accordance with the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, 21 U.S.T. 2517 (1970) and its implementing legislation, 9 U.S.C. § 201 *et seq.*, Petitioner America Steel Trade Corporation (“AST”) requests the entry of a final judgment confirming a final arbitration award against Respondent Metalhouse LLC.

Jurisdiction and Venue

1. The Court has subject-matter jurisdiction of this petition under 9 U.S.C. § 203, because this is an “action or proceeding falling under the Convention” and is therefore “deemed to arise under the laws and treaties of the United States.”

2. The Court has personal jurisdiction over Metalhouse because it is a Florida limited liability company with its principal place of business at 4705 South Apopka Vineland Road, Suite 140, Orlando, Florida 32819 and is therefore at home in Florida.

3. Under 9 U.S.C. § 204 venue is appropriate “in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought.” Metalhouse’s principal place of business is located in this judicial district; under 28 U.S.C. § 1391(b)(1) venue is proper in a judicial district where the respondent resides. “[S]ave for the arbitration agreement,” AST could have sued in this judicial district, and so venue is appropriate.

Factual Allegations

4. In October of 2020, AST and Metalhouse executed the Sales Contract, in which AST agreed to buy Russian pig iron from Metalhouse.

5. Under the Sales Contract, Metalhouse had to deliver the pig iron in the Port of Iskenderun in Turkey.

6. English law governed the Sales Contract.

7. The Sales Contract contained an arbitration clause requiring arbitration in London, United Kingdom for “[a]ll disputes due to, arising from or in connection with this Contract which cannot be settled by mutual agreement.”

8. After Metalhouse breached the Sales Contract, AST and Metalhouse executed a Settlement Agreement.

9. The Settlement Agreement incorporated the Sales Contract's arbitration clause, stating that "[a]ny dispute arising under this Settlement Agreement are to be determined as per the provisions of the arbitration clause set forth in the [Sales] Contract with the precision that the Arbitration Rules of London Court of International Arbitration shall be the rules applicable and agreed upon by the parties."

10. In April of 2021, AST initiated an arbitration in the London Court of International Arbitration after disputes arose concerning the Sales Contract and the Settlement Agreement.

11. In the arbitration, both AST and Metalhouse were represented by counsel, and the arbitral panel consisted of three arbitrators.

12. On February 17, 2022, the arbitral panel issued a First Partial Final Award, a copy of which is attached as Exhibit A.

13. The First Partial Final Award ordered Metalhouse to pay AST \$745,150.00 plus interest at 10% per annum starting from October 22, 2020 until full payment is made.

14. In addition, the First Partial Final Award ordered Metalhouse to pay AST £10,634.78 (approximately, \$13,881.26) for costs.

15. To date, despite demands, Metalhouse has not paid AST the amounts in the First Partial Final Award.

16. All conditions precedent have occurred, have been performed, or have been waived.

WHEREFORE, Petitioner America Steel Trade Corporation requests that the Court enter a final judgment confirming the First Partial Final Award against Respondent Metalhouse LLC as well as awarding Petitioner its attorneys' fees and costs.

Dated: May 18, 2022

Respectfully submitted,

TOTH FUNES PA

s/Freddy Funes

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