

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT ZEIDMAN

Case No. _____

PETITIONER,

**PETITION FOR ORDER
CONFIRMING ARBITRATION
AWARD**

v.

LINDELL MANAGEMENT LLC,

RESPONDENT.

TO: Respondent Lindell Management LLC, c/o Alec Beck, Esquire, Parker Daniels Kibort, LLC, 888 Colwell Building, 123North Third Street, Minneapolis, MN 55401

Petitioner Robert Zeidman petitions this court for an order confirming an arbitration award, and entering judgment thereon. In support of his Petition, Mr. Zeidman states as follows:

PARTIES AND JURISDICTION

1. Petitioner Robert Zeidman is an individual and is a resident of Las Vegas, Nevada.

2. Respondent Lindell Management LLC (“Lindell”) is registered in the State of Minnesota, with its principal place of business in Chaska, Minnesota.

3. This court has jurisdiction over this petition under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties and because the

amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. This court is the proper venue for this proceeding because Lindell Management LLC is registered in the State of Minnesota and the Award was made in Minneapolis, Minnesota as required by the applicable arbitration provision. 9 U.S.C. § 9; *see also* Declaration of David E. Schlesinger dated May 18, 2023 (hereinafter “Schlesinger Decl.”) ¶ 1 and Ex. A.

PETITION

5. This dispute arises out of a contract (the “Rules”) between the parties related to the Prove Mike Wrong Challenge (the “Challenge”). Schlesinger Decl. Ex. A.

6. Under the terms of the Rules, any claim arising out of the Challenge was required to be submitted to final, binding arbitration under the Rules of the American Arbitration Association. *Id.* ¶ 9.

7. An arbitration hearing between Mr. Zeidman and Lindell was held before a three-person panel (the “Panel”) in Minneapolis, Minnesota, from January 17-19, 2023 and closing arguments were held on March 18, 2023. Schlesinger Decl. Ex. B, p. 1.

8. The Panel issued a unanimous Reasoned Decision and Final Award, dated April 19, 2023. Schlesinger Decl. Ex. B. The Award is incorporated herein.

9. The Award provides that Mr. Zeidman is entitled to judgment against Lindell Management LLC in the amount of \$5,000,000 to be paid within 30 days of the date of the award. Schlesinger Decl. Ex. B, p. 23.

10. The court should confirm the Award and enter judgment thereon under either the Federal Arbitration Act, 9 U.S.C. 1, et seq., the Minnesota Uniform Arbitration

Act, Minn. Stat. cg. 572B, or Minnesota common law.

11. The materials required by 9 U.S.C. § 13 for confirmation of an award are attached to the Declaration of David E. Schlesinger.

12. Yesterday, May 18, 2023, Lindell Management LLC sent notice to counsel of a motion to vacate the award apparently filed in state court, Hennepin County District Court. The motion has not received a case number. As soon as that motion is docketed, Petitioner Zeidman intends to remove that action to federal court and seek to consolidate the actions. Schlesinger Decl. ¶4.

13. Other than the material submitted to the court herewith and the notice of motion by Respondent dated May 18, 2023, there is no “notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award [or] copy of each order of the court upon such an application,” as referenced by 9 U.S.C. § 13. Schlesinger Decl. ¶5.

14. Mr. Zeidman is entitled to post-judgment interest at the statutory rate. Minnesota Statutes section 549.09, subd. 1(c)(2) provides, “[f]or a judgment or award over \$50,000, other than a judgment or award for or against the state or a political subdivision of the state or a judgment or award in a family court action, the interest rate shall be ten percent per year until paid.”

15. As of the date of this motion, which is 30 days from the date of the Award, Lindell has not paid any portion of the Award. Schlesinger Decl. ¶ 5.

WHEREFORE, Robert Zeidman, respectfully requests that the court enter an order confirming the Award and directing entry of final judgment thereon, including:

- i. Entering judgment in favor of Robert Zeidman and against Lindell Management LLC in the amount of \$5,000,000 with post-judgment interest to accrue thereafter at the statutory rate of ten percent per year until the judgment is satisfied;
 - ii. Awarding Robert Zeidman his costs and disbursements incurred herein;
- and
- iii. Awarding such other relief as the court may deem proper and just.

NICHOLS KASTER, PLLP

By: /s/ David E. Schlesinger

David E. Schlesinger (MN# 0387009)

4700 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

T: 612-256-3277

F: 612-338-4878

schlesinger@nka.com

Brian A. Glasser (*pro hac vice* forthcoming)

Cary Joshi (*pro hac vice* forthcoming)

1055 Thomas Jefferson St, Suite 540

Washington, DC 20007

T: (202) 463-2101

F: (202) 463-2103

bglasser@baileyglasser.com

cjoshi@baileyglasser.com

Attorneys for Petitioner