

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the matter of the Application of :
CLEARVIEW AI, INC., : Index No. [] E
Petitioner, :
For a Judgment Pursuant to Article 75 of the Civil : **PETITION**
Practice Law and Rules to Confirm the Parties' :
Arbitration Award, :
v. :
INVESTIGATIVE CONSULTANTS, INC. AND :
DONALD BERLIN, :
Respondents. :
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Petitioner Clearview AI, Inc., by and through its attorney, Maria N. Ibrahim, for its petition pursuant to Article 75 of the New York Civil Practice Law and Rules (“CPLR”), respectfully alleges as follows:

PRELIMINARY STATEMENT

1. This Article 75 proceeding seeks a judgment pursuant to CPLR 7510 confirming the arbitration award dated November 7, 2024, rendered in an arbitration before Usher T. Winslett and the American Arbitration Association (AAA), Case No. 01-23-0002-6322, and entry of judgment thereon pursuant to CPLR 7514.

2. Petitioner respectfully requests that the award be promptly confirmed, and that Clearview be awarded its costs in bringing this petition.

PARTIES

3. Petitioner Clearview AI, Inc. (“Clearview”) is a corporation that is incorporated in Delaware and that has its principal place of business in New York.

4. Respondent Investigative Consultants Inc. (“ICI”) is a corporation that is incorporated in Illinois and that has its principal place of business in Virginia.

5. Respondent Donald Berlin (“Berlin”) is an individual who resides in Virginia.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to CPLR 7502(a)(i) because the arbitration took place in New York County.

7. Venue in the County of New York is proper pursuant to CPLR 7502 because it is the county in which the arbitration was held.

STATEMENT OF FACTS

8. On July 31, 2019, Clearview, ICI, and Berlin signed a contract and agreed to arbitrate any disputes arising from the contract before a single arbitrator in New York City according to the rules of the American Arbitration Association. Vierra Affirmation ¶ 4, Exhibit 1.

9. On June 12, 2023, Clearview initiated the arbitration by filing a notice of arbitration and statement of claim. Vierra Affirmation ¶ 6.

10. On June 30, 2023, ICI and Berlin began participating in the arbitration by filing an answer and counterclaim. Although at one stage of the arbitration, Berlin sought to be removed from the arbitration, the Arbitrator denied the request after hearing briefing. Berlin thereafter continued

voluntarily to extensively participate in the arbitration, and never petitioned any court to enjoin the arbitration or required Clearview to go to court to compel arbitration. Vierra Affirmation ¶ 7.

11. Between June 2023 and August 2024, all parties participated in the arbitration by exchanging discovery, filing motions, taking and defending depositions, and attending preliminary hearings. Vierra Affirmation ¶ 8.

12. On August 26–28, 2024, Clearview, ICI, and Berlin participated in an evidentiary hearing to arbitrate Clearview’s claims and ICI’s and Berlin’s counterclaim before Arbitrator Usher T. Winslett. The hearing took place in New York City at the American Arbitration Association’s AAA-ICDR New York Regional Office. Vierra Affirmation ¶ 9.

13. On November 7, 2024, Arbitrator Winslett issued an arbitration award granting Clearview \$873,000 in damages payable by ICI by December 7, 2024; \$193,228.39 in costs and fees payable by ICI by December 7, 2024; and \$64,409.47 in costs and fees payable joint and severally by ICI and Berlin by December 7, 2024; plus prejudgment interest. Vierra Affirmation ¶ 10, Exhibit 2. Neither ICI nor Berlin has paid any of the award. Vierra Affirmation ¶ 10.

14. On December 19, 2024, Arbitrator Winslett issued an order denying Respondents’ motion to modify the Award, and “reiterat[ing] that the Award is a final award disposing of all claims and counterclaims.” Vierra Affirmation ¶ 10, Exhibit 3.

15. The Award is not the subject of any application to vacate or modify pursuant to 7511.

**FIRST CAUSE OF ACTION
(CONFIRMATION)**

16. Petitioner repeats and realleges paragraphs 1 through 14 above, as if fully set forth herein.

17. Petitioner has brought this action within one year of the delivery of the Award on November 7, 2024.

18. The Award has not been vacated or modified pursuant to CPLR 7511.

19. Petitioner is thus entitled to a judgment confirming the Award pursuant to CPLR 7510 and entry of judgment thereon pursuant to CPLR 7514.

PRAYER FOR RELIEF

Clearview respectfully requests that this Court:

Enter a Judgement pursuant to CPLR 7510 confirming the arbitration Award dated November 7, 2024;

Enter a Judgment thereon pursuant to CPLR 7514, together with:

- Pre-judgment interest pursuant to CPLR 5001 from August 1, 2019, the date specified in the award, until the date of entry of judgment, at 9% annual interest, the amount specified in the award and by statute;
- Post-judgment interest pursuant to CPLR 5003 at the statutory rate of 9% running from the date of entry of judgment; and
- Petitioner’s costs in this proceeding.

Award Petitioner such other and further relief as the Court deems just and proper.

Dated: December 23, 2024

Respectfully submitted,

/s/ Maria N. Ibrahim

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WORD COUNT CERTIFICATION

I certify that in relying on the word count of the word-processing system used to prepare the petition, the petition complies with the word limits prescribed by Part 202 of the Uniform Civil Rules (915 word excluding caption and signature block).

Dated: December 23, 2024

Respectfully submitted,

/s/ Maria N. Ibrahim

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