

MI-13M-077-05

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE 16TH JUDICIAL CIRCUIT

CACV, OF COLORADO, L.L.C.
A Foreign Limited Liability
Company,

Plaintiff,

-vs-

CASSANDRA DEFATTA,

Defendant.

Case No. 03-5038-CZ

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CARLELLA AGOSTINI
KACONG CONNOR GILLO
HT. CLIMBERS, INCORPORATED

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**BRIEF IN SUPPORT OF
MOTION TO CONFIRM ARBITRATION AWARD**

This action arises from an arbitration award in favor of CACV of Colorado, LLC. The Defendant/Respondent, Cassandra Difatta, was extended credit by the Plaintiff/Claimant's assignee, MBNA, via a credit card.

FACTS:

Defendant was extended credit by MBNA, but refused to pay the balance due MBNA. MBNA then assigned the account to CACV of Colorado, LLC. The Defendant's credit card agreement provided in pertinent part on page seven, the paragraph designated "Litigation", which states as follows:

Arbitration: Any claim of dispute ("claim") by either of you or as against the other, or against the employees, agents, or assigns of the other arising from or relating in any way to this agreement or any prior agreement on your account . . . shall be resolved by binding arbitration.

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