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Marinello and Berg Prevail for Client in Appeal of Arbitration Award

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On November 9, 2011, Mitchell Marinello and Alexander Berg won an appeal for their client, a marketing services firm. The Illinois Appellate Court, First District, affirmed the trial court's confirmation of an arbitration award that determined that the client did not owe any additional money to the former owners of a business unit that the client purchased.

The central issue in the arbitration was whether the former owners were entitled to additional payments under an earn-out provision. In the trial court and on appeal, the central issue was whether the arbitrator had exceeded his authority under the parties' arbitration agreement by making certain accounting adjustments to the client's financial statements that the client and the arbitrator viewed as necessary to get to the proper result.

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