

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

RONALD SCHARF, et al.,)	No. ED91612
Respondents,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Hon. Colleen Dolan
ALEXANDER KOGAN, et al.,)	
Appellants.)	FILED: May 5, 2009

Alexander Kogan, Phillip Kogan, IPD Sales & Marketing, LLC, OOO Air Structures American Technologies and Investment (collectively the “Kogan Parties”) and Klaudia Kogan (“Mrs. Kogan”) appeal from the judgment of the trial court confirming the arbitration award issued in the arbitrated dispute between the Scharf Parties and the Kogan Parties and Mrs. Kogan. Mrs. Kogan contends that the trial court erred in confirming the arbitration award as to her and in denying her motion to vacate the award because the arbitrator had no authority to enter an award against her. The Kogan Parties and Mrs. Kogan also aver that the trial court erred in confirming the arbitration award and denying their motion to vacate the award because of the arbitrator’s misconduct in denying their request for a postponement of the arbitration hearing.

REVERSED AND REMANDED IN PART AND AFFIRMED IN PART.

DIVISION THREE HOLDS:

1. The arbitrator had no authority over Mrs. Kogan where she did not sign an agreement to arbitrate. Mrs. Kogan did not cloak her husband with authority, actual or apparent, to bind her to an arbitration agreement, merely by signing a standard quitclaim deed to property that she did not own.
2. Mrs. Kogan did not waive any objection to the arbitration proceeding where counsel made an oral motion to the arbitrator’s authority over Mrs. Kogan, and she did not acquiesce or otherwise participate in the hearing.
3. The Kogan Parties did not waive their right to appeal from the arbitrator’s decision where there was not an express agreement that clearly and unequivocally stated that they intended to do so.
4. The arbitrator did not commit misconduct in refusing the Kogan Parties’ request to continue the date set for the arbitration hearing.

Opinion by: Clifford H. Ahrens, J. Robert G. Dowd Jr., J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Clyde C. Farris

Attorney for Respondent: Duane L. Coleman

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**

