

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

Plaintiff(s),

AFFIDAVIT

-against-

Index No. _____

Defendant(s).

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____, being duly sworn, deposes and says:

1. I am a member of the law firm of _____. On the basis of my personal knowledge, I make this affidavit in support of defendant's motion to compel arbitration.

2. This is an action for breach of contract in which plaintiff seeks to recover \$ _____. (A copy of the complaint is annexed as Exhibit A.) The contract, dated _____, provides, in paragraph _____:

[recite arbitration clause]

(A copy of the contract is annexed as Exhibit B.)

3. The proper forum for this dispute is before the American Arbitration Association. As a review of the complaint establishes, this dispute is clearly within the parameters of the arbitration clause, to which each of the parties agreed in writing.

4. In order to circumvent the arbitration clause in the contract, plaintiff now brings this action. But, since the parties have unequivocally agreed that any disputes arising out of the contract should be resolved by arbitration pursuant to the Rules of the American Arbitration Association, this Court should compel plaintiff to proceed in that forum.

5. Arbitration, including the incorporation by reference of the Rules of the American Arbitration Association, was a material inducement to the contract in the first instance. If plaintiff is permitted to avoid arbitration, defendant will be deprived of the value of its bargaining both in terms of the simplicity of arbitration procedures and a speedy resolution of this dispute.

WHEREFORE, I respectfully request that an Order be entered directing plaintiff to proceed to arbitration.

s/ _____
[Signing Attorney's Name]

[JURAT]

Sample