

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

J&J Hudson, LLC v. Simmons Bank, Pivot Project Development,
LLC, Candace Baitz, Jonathan Dodson, Russell Wantland, David
Wanzer, and JE Dunn Construction Company

J&J Hudson · No. CIV-24-1071-D · Decided April 10, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma denied without prejudice JE Dunn Construction Company’s motion to confirm an arbitration award and reduce it to judgment. The court concluded that postponing confirmation was warranted because related claims remained pending, JE Dunn had not shown undue prejudice from delay, and J&J Hudson indicated that it intended to challenge the award. The court noted that the statutory period for seeking vacatur had not expired.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	April 10, 2026
DOCKET	CIV-24-1071-D
DISPOSITION	other
PROCEDURAL POSTURE	JE Dunn Construction Company moved to confirm an arbitration award and reduce it to judgment. J&J Hudson opposed the motion and requested that confirmation be stayed or postponed until its related claims against Simmons Bank were resolved.
STANDARD OF REVIEW	The court applied the statutory confirmation requirement under the Federal Arbitration Act and considered whether prudential circumstances warranted postponing confirmation and entry of judgment.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

arbitration

construction law

commercial litigation

civil procedure

PRACTICE AREAS

arbitration

construction law

commercial litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the court should postpone confirmation and entry of judgment on JE Dunn's arbitration award while related claims remained pending in the consolidated action.
2. Whether the circumstances, including J&J's stated intent to challenge the award and the unexpired statutory deadline for seeking vacatur, warranted denying the motion without prejudice.

HOLDINGS

1. A court may postpone confirmation and entry of judgment on an arbitration award for prudential reasons, including the pendency of related claims, when the circumstances warrant such relief.
2. Confirmation and entry of judgment should be postponed, and JE Dunn's motion should be denied without prejudice to refiling at a later date.

KEY QUOTATIONS

“Under of the Federal Arbitration Act, “a court ‘must’ confirm an arbitration award” unless one of the specifically enumerated statutory grounds for vacating or modifying the award exists.” (unpaginated)

“Although grounds for vacating or modifying an award are not present, some courts have postponed the enforcement of an arbitration award pending the resolution of related claims.” (unpaginated)

“For these reasons, and given the unique circumstances of this case, the Court declines to confirm and enter judgment on the arbitration at this time.” (unpaginated)

FACTUAL BACKGROUND

J&J Hudson owned a commercial building financed by Simmons Bank and constructed by JE Dunn. J&J alleged construction delays and wrongful withholding of loan advances, while the Bank and JE Dunn asserted competing claims involving repayment, foreclosure, and lien priority. JE Dunn obtained an arbitration award for payment for construction work, but related claims involving the Bank and the property remained pending in the consolidated action. J&J also indicated that it intended to challenge the validity of the arbitration award, although it had not yet filed a motion to vacate.

PROCEDURAL HISTORY

J&J Hudson sued Simmons Bank over construction financing and related claims, while the Bank asserted counterclaims involving the loan, foreclosure, and lien priority. JE Dunn separately sued J&J Hudson for payment and lien foreclosure; the actions were consolidated because they involved the same property and overlapping foreclosure issues. JE Dunn and J&J proceeded to arbitration, and the arbitrator issued an award for

JE Dunn on February 17, 2026. The district court denied JE Dunn's motion to confirm the award and enter judgment, without prejudice to refiling later.

DISPOSITION

other

CASES CITED

- Wilbanks Sec., Inc. v. McFarland, 231 P.3d 714, 719 n.11 (Okla. Civ. App. 2010)
- Hall St. Assocs., L.L.C. v. Mattel, Inc., 552 U.S. 576, 582 (2008)
- Hewlett-Packard Co. v. Berg, 61 F.3d 101, 105 (1st Cir. 1995)
- White River Vill., LLP v. Fid. & Deposit Co. of Maryland, No. 08-CV-00248-REB-MEH, 2014 WL 976881, at *2 (D. Colo. Mar. 12, 2014)
- Abbott v. Mulligan, 647 F. Supp. 2d 1286, 1292 (D. Utah 2009), aff'd sub nom. Abbott v. L. Off. of Patrick J. Mulligan, 440 F. App'x 612 (10th Cir. 2011)
- Middleby Corp. v. Hussmann Corp., 962 F.2d 614, 616 (7th Cir. 1992)
- Loda Okla., LLC v. Overall, No. 13-CV-191-GKF-FHM, 2014 WL 12704716, at *2 (N.D. Okla. Oct. 9, 2014)