

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-20663

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2014

Lyle W. Cayce
Clerk

SEALED APPELLEE 1

Plaintiff - Appellee

v.

SEALED APPELLANT

Defendant - Appellant

SEALED APPELLANT

Plaintiff - Appellant

v.

SEALED APPELLEE 2

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC Nos. 4:12-CV-506 & 4:12-CV-928

Before JOLLY, HIGGINBOTHAM, and OWEN, Circuit Judges.

PER CURIAM:*

After studying the briefs and the record and hearing the arguments of the parties, we conclude that the district court properly confirmed the arbitration award in favor of the Sealed Appellee. In doing so, we reject the Sealed Appellant's arguments for vacatur of that award. The Sealed Appellant contends that the award should be vacated because one of the selected arbitrators failed to disclose pertinent information that might suggest partiality toward the Sealed Appellee. An arbitrator need only disclose facts that are non-trivial, meaning facts that "might, to an objective observer, create a reasonable impression of the arbitrator's partiality." *Burlington N. R.R. Co. v. TUCO Inc.*, 960 S.W.2d 629, 630 (Tex. 1997). Our review of the record leads us to conclude that the non-disclosures raised by the Sealed Appellant are trivial in nature. Both parties had ample opportunity to develop this record, including an evidentiary hearing before the district court, and we see no need to remand the case for further discovery. Because we decide the partiality issue on the merits, we need not consider the argument that the Sealed Appellant waived its challenge to the non-disclosures, as the district court had concluded.

The Sealed Appellant's other arguments are also without merit. Thus, we AFFIRM the district court's judgment confirming the arbitration award in favor of the Sealed Appellee.

AFFIRMED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.