

APR 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**DALIAN SHANHAI SEAFOOD CO.,  
LTD, a foreign corporation,**

Plaintiff-Appellee,

vs.

**HONG CHANG CORPORATION, a  
California corporation,**

Defendant-Appellant.

No. 08-55088

D.C. No. CV-07-06588-ODW

**MEMORANDUM**\*

Appeal from the United States District Court  
for the Central District of California  
Otis D. Wright, District Judge, Presiding

Submitted April 14, 2009\*\*  
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **PREGERSON**, Circuit Judge, and **MILLS**,  
District Judge.\*\*\*

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Richard Mills, United States District Judge for the Central District of Illinois, sitting by designation.

The district court did not err in rejecting Hong Chang's argument that the first arbitrator's dismissal for lack of jurisdiction barred the award in favor of Dalian Shanhai following the second arbitration proceeding. Pursuant to Article 6 of the China International Economic and Trade Arbitration Commission Rules, the first arbitrator was entitled to determine its jurisdiction and thus did not reach the merits of the dispute. Hong Chang does not raise any legitimate grounds, pursuant to Article V of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, *see* 25 U.S.T. 2517, for refusing to recognize the second arbitrator's award. Thus, the district court committed no error in confirming the award. *See* 9 U.S.C. § 207.

**AFFIRMED.**