

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 99-1925

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In Re Arbitration Between Dow  
Corning Corporation,

Appellee,

v.

Safety National Casualty Corporation,

Appellant.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: January 10, 2000

Filed: January 19, 2000

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Before RICHARD S. ARNOLD, FAGG, and HANSEN, Circuit Judges.

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PER CURIAM.

Safety National Casualty Corporation (Safety) appeals the district court's denial of Safety's motion to compel Dow Corning Corporation (Dow) to arbitrate a coverage dispute under three excess insurance policies issued by Safety to Dow. Contrary to Safety's view, the district court concluded that Dow did not refuse to arbitrate under the parties' insurance agreement when it reserved the right to challenge the qualifications of Safety's appointed arbitrator at the conclusion of the arbitration. Having considered the record and the parties' submissions, we believe the district court's ruling is clearly

correct. We thus affirm the challenged ruling for the reasons stated by the district court. We also remand this matter to the district court with directions to put the parties and their appointed arbitrators on track to select an umpire and get on with the arbitration of their coverage dispute. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.