

5th Circuit: Company in Class Action Waived Right to Arbitrate Because of Litigation Conduct

The standards for determining when a party waives its right to arbitrate through participation in litigation have never been uniform among the circuits or easily applied writes **John Lewis** in BakerHostetler's **Employment Class Action Blog**.

He discusses the recent Fifth Circuit opinion in *Forby v. One Technologies, L.P.*, which illustrates the difficulty of applying the "prejudice" requirement in a consumer fraud and unjust enrichment class action.

In reversing a district court ruling, the appellate court highlighted some analytical problems that apply equally in the employment law context.

[Read the article.](#)