Fifth Circuit Overturns Arbitration Order Where Employer Failed to Countersign Agreement



Image by NY Photographic

The 5th U.S. Circuit Court of Appeals has reversed a Texas federal court's order compelling arbitration in a sexual harassment and discrimination case because one party failed to sign an agreement to arbitrate, reports Karl Bayer in the **Disputing blog**.

Writing for the blog, Beth Graham describes the case in which the plaintiff, Huckaba, signed an arbitration agreement that waived her right to sue Ref-Chem L.P. prior to beginning employment with the company.

> "The agreement included a signature box for Ref-Chem and also required that the company reciprocate by giving up its right to sue Huckaba. After the woman signed the contract, however, Ref-Chem failed to have an officer of the company countersign the document."

When Huckaba later filed a sexual harassment, discrimination, and retaliation lawsuit against Ref-Chem, the company responded by filing a motion to compel arbitration. The district court granted Ref-Chem's motion.

The 5th Circuit concluded "there is not a valid agreement to arbitrate in this case," reversed the district court's order compelling the dispute to arbitration, and remanded the

lawsuit back to the district court, Graham writes.

Read the article.