

On Remand, District Court Breaks New Ground by Vacating Arbitrator's Class Certification Award

In what appears to be a first-of-its-kind ruling, the District Court for the Southern District of New York recently concluded that a federal district court has the authority to vacate an arbitrator's class certification award based on the due process rights of absent class members, according to **a post on the website** of K&L Gates.

The ruling involves the long-running *Jock v. Sterling Jewelers, Inc.*, in which the district court and the Second Circuit Court of Appeals have rendered multiple decisions addressing the proper role of a court in reviewing an arbitrator's authority to determine whether parties have agreed to class arbitration.

The K&L Gates authors explain that the *Jock* court determined that, absent an express class arbitration provision in each putative class member's arbitration agreement, an arbitrator does not have the authority to bind absent class members to a class judgment—even if they signed the same form of arbitration agreement as the named plaintiffs.

Read the article.