

Williams & Connolly Secures Unanimous Win in Closely Watched Supreme Court Case

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On January 8, 2019, the United States Supreme Court unanimously ruled in favor of Williams & Connolly client Danaher Corporation and co-defendant Henry Schein. Danaher and Henry Schein sought to have a dispute with Archer & White Sales go to arbitration under a contractual arbitration provision. The Fifth Circuit ruled against Danaher and Henry Schein, determining that the arbitration bid was "wholly groundless."

In June 2018, the Supreme Court granted Williams & Connolly's certiorari petition on an interlocutory appeal under the Federal Arbitration Act. In *Henry Schein v. Archer & White Sales*, the Supreme Court addressed whether the Federal Arbitration Act permits a court to decline to enforce an agreement delegating to an arbitrator the threshold question of whether a suit should be arbitrated. On October 29, 2018, the firm presented oral argument before the Court. The Court unanimously ruled that "the 'wholly groundless' exception to arbitrability is inconsistent with the Federal Arbitration Act and this Court's precedent." Under the Act, the Court reasoned, "arbitration is a matter of contract, and courts must enforce arbitration contracts according to their terms." The ruling was Supreme Court Justice Brett Kavanaugh's first majority opinion.

The Williams & Connolly team representing the defendants included **Bob Van Kirk**, **Jonathan Pitt**, **Liam Montgomery**, **Luke McCloud**, **William Marks** and **Matthew Greer**.

The developments in the case have been reported on by **Law360** and **The National Law Journal**. The win was also featured in *Law360's* "**Legal Lions**" list.

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