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FIRM NEWS

CB&D CONVINCES DISTRICT COURT THAT DISCRIMINATION SUIT MUST BE DISMISSED BECAUSE OF ENFORCEABLE ARBITRATION PROVISION

Firm partner Robert A. Sparer recently persuaded the United States District Court for the Southern District of New York to dismiss a discrimination suit filed against a New York City-based residential management company in the case of *Borrero v. Ruppert Housing Co. Inc.* The court was persuaded that the collective bargaining agreement (“CBA”) that governed the plaintiff’s employment was “materially indistinguishable” from the CBA at issue in the United States Supreme Court’s decision in *14 Penn Plaza LLC v. Pyett*. In *Pyett*, the Supreme Court held that “a collective bargaining agreement that clearly and unmistakably requires union members to arbitrate ADEA claims is enforceable as a matter of law.” Here, because the CBA contained an enforceable mandatory arbitration provision, plaintiff’s Title VII discrimination claims were dismissed.

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