



## News

### Appellate Spotlight: Florida Supreme Court Overturns Second District Circuit, Upholds Airbnb Arbitration Agreement

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A Hinshaw legal team recently secured a win on behalf of client Airbnb, Inc. at the Florida Supreme Court. At issue was whether incorporating the American Arbitration Association Rules in Airbnb's Terms of Service, which a Texas couple accepted when they used Airbnb's online platform to book a vacation rental, established that the arbitrator, and not the judge, has the power to determine whether their claims should be arbitrated. Hinshaw partner Eric Simonson represented Airbnb in the case, along with co-counsel from the Joel S. Perwin PA law firm.

In a 6-1 decision, the Florida Supreme Court held that the incorporation of the AAA rules in Airbnb's Terms of Service was sufficient to establish that the parties "clearly and unmistakably" agreed that the arbitrator would decide the threshold question of arbitrability.

In doing so, the court reversed a Second District Court of Appeal ruling that had determined that incorporating the AAA Rules in Airbnb's Terms of Service was not enough to delegate the threshold question of arbitrability to the arbitrator.

The case was cited by two Thomson Reuters Practice Notes, titled "[Arbitrability in US Arbitration: Determination by a Court or Arbitrator](#)" and "[Compelling and Staying Arbitration in Florida](#)."

[Read the full opinion and order \(PDF \)](#)

The case is *Airbnb Inc. v. Doe et al.*, case number SC20-1167, in the Supreme Court of Florida.

#### Media coverage

- "[Fla. High Court Upholds Airbnb Arbitration Agreement](#)," *Law360*, March 31, 2022 (*subscription required*)

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