



News

Appellate Spotlight: Wisconsin Court of Appeals Affirms Trial Court Order Granting Motion To Compel Arbitration

April 26, 2023

A Hinshaw legal team led by attorneys David Hanus and Corey Swinick recently obtained a win at the Wisconsin Court of Appeals on behalf of their clients, Plaza Services, LLC (Plaza) and Jora Credit of Wisconsin, LLC (Jora). The court affirmed a trial court's order granting the clients' motion to compel arbitration in a consumer action case.

Plaintiff had argued that the circuit court erred in compelling arbitration for two reasons: (1) defendants waived their right arbitrate plaintiff's claims; and (2) the parties' arbitration agreement did not cover part of plaintiff's claims seeking "injunctive or equitable relief" due to a section that states that both parties may seek remedies which do not claim money damages.

The court concluded, however, that Plaza and Jora did not waive their right to arbitrate and that plaintiff's claims are covered by the arbitration provision. The court stated that when read in the context of the entire arbitration provision, the only reasonable interpretation of the section in question is that the parties are permitted to seek remedies other than money damages for their claims—including injunctions and equitable relief—not that the parties may seek dispute resolution methods other than arbitration for their claims.

Attorneys

David J. Hanus

Corey J. Swinick

Service Areas

Consumer Financial Services

Offices

Milwaukee