Wigdor Wins Landmark Second Circuit Ruling on EFAA and Forced Arbitration

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In *Diaz-Roa v. Hermes,* the Second Circuit agreed with Wigdor's argument that, when the EFAA applies, a plaintiff may invalidate a pre-dispute arbitration agreement as to her entire lawsuit, not just the sexual harassment or sexual assault claims. Valdi Licul of Wigdor LLP represented Plaintiff-Appellee Silvia Diaz-Roa.

This is the latest in a string of watershed cases brought by the Firm protecting the rights of plaintiffs to file their claims in court. In *Olivieri v. Stifel*, the Second Circuit agreed with the Firm that an employee who protests sexual harassment may not be forced to arbitrate her legal claims. And in *Flores v. NFL*, the Firm secured the right of NFL coach Brian Flores to pursue claims for systemic race discrimination in court, rather than in secret arbitration before NFL Commissioner Roger Goodell or his hand-picked arbitrator. The Firm will continue to advocate for the rights of victims of discrimination and sexual assault to file their claims in court.

A copy of the decision can be read here.

Quote from Valdi Licul (Partner, Wigdor LLP)

"Today's decision is an important victory for survivors and for the promise of the EFAA. The Second Circuit confirmed that sexual harassment plaintiffs cannot be forced to split their cases between court and arbitration when Congress gave them the right to proceed in a public forum. This ruling gives future plaintiffs a clearer path to pursue their full case in court, preserving public accountability, avoiding duplicative proceedings, and preventing defendants from using arbitration clauses to fragment claims arising from workplace sexual harassment disputes."

PRESS COVERAGE

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