

06-989 HALL STREET ASSOC. V. MATTEL, INC

DECISION BELOW: 196 Fed. Appx. 476

LOWER COURT CASE NUMBER: 05-35721

QUESTION PRESENTED:

1. Did the Ninth Circuit Court of Appeals err when it held, in conflict with several other federal Courts of Appeals, that the Federal Arbitration Act ("FAA") precludes a federal court from enforcing the parties' clearly expressed agreement providing for more expansive judicial review of an arbitration award than the narrow standard of review otherwise provided for in the FAA?

THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL BRIEFS ADDRESSING THE FOLLOWING QUESTIONS: (1) DOES AUTHORITY EXIST OUTSIDE THE FEDERAL ARBITRATION ACT (FAA) UNDER WHICH A PARTY TO LITIGATION BEGUN WITHOUT RELIANCE ON THE FAA MAY ENFORCE A PROVISION FOR JUDICIAL REVIEW OF AN ARBITRATION AWARD? (2) IF SUCH AUTHORITY DOES EXIST, DID THE PARTIES, IN AGREEING TO ARBITRATE, RELY IN WHOLE OR PART ON THAT AUTHORITY? (3) HAS PETITIONER IN THE COURSE OF THIS LITIGATION WAIVED ANY RELIANCE ON AUTHORITY OUTSIDE THE FAA FOR ENFORCING THE JUDICIAL REVIEW PROVISION OF THE PARTIES' ARBITRATION AGREEMENT?
EXPEDITED BRIEFING SCHEDULE
CERT. GRANTED 5/29/2007