

20-1143 BADGEROW V. WALTERS

DECISION BELOW: 975 F.3d 469

LOWER COURT CASE NUMBER: 19-30766

QUESTION PRESENTED:

This case presents a clear and intractable conflict regarding an important jurisdictional question under the Federal Arbitration Act (FAA), 9 U.S.C. 1-16.

As this Court has repeatedly confirmed, the FAA does not itself confer federal-question jurisdiction; federal courts must have an independent jurisdictional basis to entertain matters under the Act. In *Vaden v. Discover Bank*, 556 U.S. 49 (2009), this Court held that a federal court, in reviewing a petition to compel arbitration under Section 4 of the Act, may "look through" the petition to decide whether the parties' *underlying dispute* gives rise to federal-question jurisdiction. In so holding, the Court focused on the particular language of Section 4, which is not repeated elsewhere in the Act.

After *Vaden*, the circuits have squarely divided over whether the same "look-through" approach also applies to motions to confirm or vacate an arbitration award under Sections 9 and 10. In *Quezada v. Bechtel OG & C Constr. Servs., Inc.*, 946 F.3d 837 (5th Cir. 2020), the Fifth Circuit acknowledged the 3-2 "circuit split," and a divided panel held that the "look-through" approach applies under Sections 9 and 10. In the proceedings below, the Fifth Circuit declared itself "bound" by that earlier decision, and applied the "look-through" approach to establish jurisdiction. That holding was outcome-determinative, and this case is a perfect vehicle for resolving the widespread disagreement over this important threshold question.

The question presented is:

Whether federal courts have subject-matter jurisdiction to confirm or vacate an arbitration award under Sections 9 and 10 of the FAA where the only basis for jurisdiction is that the underlying dispute involved a federal question.

CERT. GRANTED 5/17/2021