

23-51 BISSONNETTE V. LePAGE BAKERIES PARK ST.

DECISION BELOW: 49 F.4th 655

LOWER COURT CASE NUMBER: 20-1681

QUESTION PRESENTED:

The Federal Arbitration Act exempts the "contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce." 9 U.S.C. § 1.

The First and Seventh Circuits have held that this exemption applies to any member of a class of workers that is engaged in foreign or interstate commerce in the same way as seamen and railroad employees-that is, any worker "actively engaged" in the interstate transportation of goods. The Second and Eleventh Circuits have added an additional requirement: The worker's employer must also be in the "transportation industry."

The question presented is:

To be exempt from the Federal Arbitration Act, must a class of workers that is actively engaged in interstate transportation also be employed by a company in the transportation industry?

CERT. GRANTED 9/29/2023