

David Cinotti Tapped by Media Outlets for Commentary on U.S. Supreme Court Decision Resolving Circuit Split on Federal Arbitration Act

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David N. Cinotti, partner at Pashman Stein Walder Hayden P.C., provided commentary to several media outlets regarding a recent U.S. Supreme Court decision, *Smith v. Spizzirri*, in which the Court resolved a circuit split on an important procedural issue under the Federal Arbitration Act (the FAA): when a district court determines that a dispute filed in court is covered by an arbitration agreement, must it stay the litigation or can it dismiss the case? The U.S. Supreme Court interpreted Section 3 of the FAA to require a stay and not to permit dismissal.

As quoted in Bloomberg Law:

When a court sends a case to arbitration, a worker whose case is dismissed can file an immediate appeal to keep the case in court, said David N. Cinotti, a partner at Pashman Stein Walder Hayden PC. In contrast, an order staying a case pending the outcome of arbitration isn't a final ruling that's appealable under the FAA, so the plaintiff must go through the private proceeding before challenging the determination that the dispute is subject to arbitration in the first place, he said.

"The importance of this is really the advantage it gives to parties seeking arbitration," Cinotti said. "It's kind of a one-sided ... appeal right."

He said: "This is a really helpful decision to insulate rulings from immediate appeal."

As quoted in Law360:

For the party that prevails on a motion to compel arbitration, not requesting a stay "would be, in my view, a big strategic mistake ...

because it gives away the benefit of the Smith decision," Cinotti said. "A stay [rather than a dismissal] is much better for a party seeking arbitration because it insulates them from an appeal."

As quoted in Commercial Dispute Resolution:

Litigation partner David Cinotti of New Jersey litigation and real estate firm Pashman Stein Walder Hayden said of the verdict: "This is an important pro-arbitration decision because it means that a district court's order that a dispute is covered by an arbitration agreement cannot be immediately appealed, absent certification of a controlling issue of law by the district court for appeal, a very unusual circumstance."

Cinotti has a wealth of experience in litigating issues under the Federal Arbitration Act and has written extensively on the statute, which you can read more about [here](#).

To read the Bloomberg Law article, [click here](#).

To read the Law360 article, [click here](#).

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