

08-146 ARTHUR ANDERSEN, LLP V. CARLISLE

DECISION BELOW:521 F.3d 597

LOWER COURT CASE NUMBER: 06-5290

QUESTIONS PRESENTED:

Section 3 of the Federal Arbitration Act ("FAA"), 9 U.S.C. § 3, provides that "on application of one of the parties," a district court shall stay proceedings pending arbitration if the district court concludes that the "issue involved in such suit or proceeding is referable to arbitration" under "an agreement in writing for such arbitration." Section 16(a)(1)(A) of the FAA, 9 U.S.C. § 16(a)(1)(A), provides that "an appeal may be taken from an order" of a district court denying a stay application made under Section 3. The questions presented are:

- (1) Whether Section 16(a)(1)(A) of the FAA provides appellate jurisdiction over an appeal from an order denying an application made under Section 3 to stay claims involving non-signatories to the arbitration agreement.
- (2) Whether Section 3 of the FAA allows a district court to stay claims against non-signatories to an arbitration agreement when the nonsignatories can otherwise enforce the arbitration agreement under principles of contract and agency law, including equitable estoppel.

CERT. GRANTED 11/7/2008