

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Dewitt Lambert v. Tesla, Inc.

Dewitt Lambert v. Tesla, Inc., 923 F.3d 1246 (9th Cir. 2019) · No. 18-15203 · Decided May 17, 2019

SUMMARY

The Ninth Circuit held that racial discrimination claims under 42 U.S.C. § 1981 are subject to compulsory arbitration, applying the reasoning of **EEOC v. Luce, Forward, Hamilton & Scripps** (9th Cir. 2003) (en banc). The court found that Section 118 of the Civil Rights Act of 1991—which encourages arbitration where appropriate and authorized by law—does not bar arbitration of § 1981 claims, and that the Gilmer test supports arbitrability. The district court’s order compelling arbitration was affirmed.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Milan D. Smith, Jr.; Sidney R. Thomas; Kathryn H. Vratil
JURISDICTION	Federal
DECIDED	May 17, 2019
DOCKET	18-15203
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's order compelling arbitration
STANDARD OF REVIEW	De novo for order compelling arbitration
PRECEDENTIAL VALUE	Published
PARTIES	DeWitt Lambert v. Tesla, Inc.

TOPICS

- employment discrimination
- arbitration
- civil rights
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- Employment Law
- Arbitration

QUESTIONS PRESENTED

1. Whether claims under 42 U.S.C. §1981 can be subjected to compulsory arbitration.

HOLDINGS

1. Section 1981 claims are subject to compulsory arbitration.

KEY QUOTATIONS

“We hold that § 1981 claims are arbitrable.” (1246)

“Following the reasoning of our *en banc* decision in *EEOC v. Luce, Forward, Hamilton & Scripps*, 345 F.3d 742 (9th Cir. 2003) (*en banc*), we hold that § 1981 claims are arbitrable.” (1246)

“We have become an arbitration nation.” (1248)

FACTUAL BACKGROUND

Lambert, an African American, worked as a production associate at Tesla. His employment contract included an arbitration provision. He alleged consistent racial harassment from coworkers and Tesla's failure to act, including discrimination and retaliation. He sued under §1981.

PROCEDURAL HISTORY

Lambert filed suit under §1981; Tesla moved to compel arbitration; district court granted; this appeal followed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

none

CASES CITED

- *EEOC v. Luce, Forward, Hamilton & Scripps*, 345 F.3d 742 (9th Cir. 2003)
- *Harden v. Roadway Package Sys., Inc.*, 249 F.3d 1137 (9th Cir. 2001)
- *Aspic Eng'g & Constr. Co. v. ECC Centcom Constructors LLC*, 913 F.3d 1162 (9th Cir. 2019)
- *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470 (2006)
- *Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20 (1991)
- *Shearson/Am. Express, Inc. v. McMahon*, 482 U.S. 220 (1987)
- *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1 (1983)
- *Duffield v. Robertson Stephens & Co.*, 144 F.3d 1182 (9th Cir. 1998)
- *Pryner v. Tractor Supply Co.*, 109 F.3d 354 (7th Cir. 1997)
- *Miles v. Apex Marine Corp.*, 498 U.S. 19 (1990)
- *Ratzlaf v. United States*, 510 U.S. 135 (1994)
- *Desiderio v. Nat'l Ass'n of Sec. Dealers, Inc.*, 191 F.3d 198 (2d Cir. 1999)
- *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.*, 473 U.S. 614 (1985)

- Johnson v. Ry. Express Agency, Inc., 421 U.S. 454 (1975)
- Alexander v. Gardner-Denver Co., 415 U.S. 36 (1974)
- Winfrey v. Bridgestone/Firestone, Inc., 1999 WL 1295310 (8th Cir. 1999)
- Cirino v. L. Gordon Holdings, Inc., 2014 WL 2880291 (E.D. Pa. 2014)
- Seus v. John Nuveen & Co., Inc., 146 F.3d 175 (3d Cir. 1998)
- Shaw v. DLJ Pershing, 78 F. Supp. 2d 781 (N.D. Ill. 1999)
- Koveleskie v. SBC Capital Mkts., Inc., 167 F.3d 361 (7th Cir. 1999)
- Ashbey v. Archstone Prop. Mgmt., Inc., 785 F.3d 1320 (9th Cir. 2015)
- Prudential Ins. Co. of Am. v. Lai, 42 F.3d 1299 (9th Cir. 1994)
- Jones v. R.R. Donnelley & Sons Co., 541 U.S. 369 (2004)
- Patterson v. McLean Credit Union, 491 U.S. 164 (1989)