

## Mass Arbitration

**With exceptional tactical skills, Benesch lawyers have successfully defended clients against thousands of plaintiffs in highly contentious mass arbitrations across the U.S.**

As plaintiffs use mass arbitration as a settlement-leverage tool, we neutralize that leverage using bellwether arbitrations, dismissal motions, and other strategies to favorably resolve these mass-arbitration demands.

### A Leader in the Field

Benesch is a leader in defending mass arbitrations. We were among the first in the nation to proceed under the American Arbitration Association's (AAA) Mass Arbitration Supplementary Rules, which became effective on Aug. 1, 2023, and the AAA's newly created procedure mandating the appointment of a "Process Arbitrator."

### Unrivaled Excellence

Our team includes international arbitrators and mediators, a member of the Institute of Arbitrators in the UK, a fellow of the Chartered Institute of Arbitrators (FCI Arb), a Saudi Center of Commercial Arbitration (SCCA) arbitrator and a member of the AAA and the National Roster of Neutrals (Arbitrator and Mediator). We are admitted to arbitrate in the UAE and the UK, credentialed to arbitrate in Canada and other venues, and well-versed in the rules and procedures of the major arbitral institutions in the U.S.

Members of our team have successfully advocated for clients before most leading arbitral institutions including the AAA, JAMS, the International Court of Arbitration (ICC), the London Court of International Arbitration (LCIA), the International Centre for Dispute Resolution (ICDR), the Dubai International Arbitration Centre (DIAC), among others. We have handled and administered ad hoc matters with rules ranging from those listed above to others promulgated by the ADR Institute of Canada (ADRIC) and the United Nations Commission on International Trade Law (UNCITRAL). With that knowledge and experience, we bring uncommon perspective advising clients throughout the dispute-resolution process, from discovery and early neutral

### Related Practices

Litigation

### Key Contacts



**Thomas O. Crist**

Chairman, Global Infrastructure Team; Lead, Middle East Practice; Co-Chair, Construction Group

T. 216.363.6108 | Skype: tocrist  
tcrist@beneschlaw.com



**Michael D. Meuti**

Chair, Appellate Practice Group  
Litigation

T. 216.363.6246  
mmeuti@beneschlaw.com



**David A. Rammelt**

Vice Chair, Litigation Group; Co-Chair, Business Litigation Litigation

T. 312.212.4958  
drammelt@beneschlaw.com

evaluation through the arbitration proceedings. We know which arguments will work and which won't, offering our clients a distinct advantage.

### **Our Approach**

With a nuanced understanding of the arbitration landscape, we excel at navigating the challenges posed by mass arbitrations. Our team is well-prepared and well-equipped to manage the intricacies of hundreds, and even thousands, of arbitrations cost-effectively while delivering a tailored, scalable and adaptable approach that meets our clients' goals. And as with all of our practices, we do so with unparalleled service.

### **Our Experience**

Representing clients in industries ranging from construction and infrastructure to energy, pharmaceutical, medical devices, consumer products, recreational products and financial services, our arbitration experience includes, among others:

- Data breaches
- Consumer fraud
- False advertising
- Deceptive Trade Practices Act violation allegations
- Products liability
- Autorenewal violations and illegal-charge cases
- Employment-related claims such as alleged wage and hours violations and employee misclassification allegations
- *Electronic Fund Transfer Act (EFTA) violation allegations and NSF/OD fee cases*

We also assist our clients in assessing the threat of mass arbitration to their businesses and carefully craft arbitration clauses to limit our clients' exposure before they become targets. For instance, we have helped clients limit their exposure from mass-arbitration demands by drafting arbitration clauses that require pre-arbitration notice and mandatory good-faith negotiations before filing, include fee-shifting or cost-shifting clauses, incorporate nondelegation clauses requiring courts to decide arbitrability issues and employ a host of other strategies.

### **Representative Matters**

- Representing a publicly traded company in connection with more than 2,000 consumer arbitration demands filed by Morgan & Morgan with the American Arbitration Association (AAA). This mass filing came almost simultaneously with the AAA's implementation of its Mass Arbitration Supplementary Rules (effective Aug. 1, 2023). Among the very first law firms in the country to proceed under these new rules, and in

particular, a newly created procedure mandating the appointment of a “Process Arbitrator,” Benesch convinced the Process Arbitrator to restrict global discovery and to stay all but 12 bellwether cases. The parties are in the midst of discovery with arbitration hearings scheduled for early 2024.

- Representing a publicly traded company in connection with more than 20,000 individual arbitration demands with the AAA and JAMS filed by Milberg Coleman.
- Benesch was successful in persuading Berger Montague not to file more than 2,500 threatened mass consumer arbitration filings against a client.