

David Kott argues in NJ Supreme Court in Consumer Class Action on the Enforceability of Arbitration Provisions in Consumer Contracts

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McCarter partner David Kott argued before the New Jersey Supreme Court on behalf of amici the New Jersey Business and Industry Association, the New Jersey Chamber of Commerce and the Commerce and Industry of New Jersey in *Kernahan v Home Warranty Administrator of Florida*. In [McCarter's brief](#), authors Mr. Kott and Edward J. Fanning, Jr., and Steven Del Mauro argue that the NJ Supreme Court's decision in *Atalese v. U.S. Legal Services*, 219 N.J. 430 (2014) was overruled by the US Supreme Court decision in *Kindred Nursing Centers v. Clark*, 581 U.S. ____ (2017).