

08-1198 STOLT-NIELSEN S.A. V. ANIMALFEEDS INTERNATIONAL

DECISION BELOW: 548 F.3d 85

LOWER COURT CASE NUMBER: 06-3474

QUESTION PRESENTED:

In *Green Tree Financial Corp. v. Bazzle*, 539 U.S. 444 (2003), this Court granted certiorari to decide a question that had divided the lower courts: whether the Federal Arbitration Act permits the imposition of class arbitration when the parties' agreement is silent regarding class arbitration. The Court was unable to reach that question, however, because a plurality concluded that the arbitrator first needed to address whether the agreement there was in fact "silent." That threshold obstacle is not present in this case, and the question presented here - which continues to divide the lower courts - is the same one presented in *Bazzle*:

Whether imposing class arbitration on parties whose arbitration clauses are silent on that issue is consistent with the Federal Arbitration Act, 9 U.S.C. §§ 1 et seq.

JUSTICE SOTOMAYOR TOOK NO PART

CERT. GRANTED 6/15/2009