

## 3rd Circ. Should Allow Class Notice in Wells Fargo Case

In “3rd Circ. Should Allow Class Notice in Wells Fargo Case” (Law360, Expert Analysis, February 18, 2022), Pollock Cohen discusses the anticipated decision in the U.S. Court of Appeals for the Third Circuit, in *Bruno v. Wells Fargo Bank NA* which will decide whether a district court may send notice to absent class members despite a defendant's claim that such members are bound by arbitration clauses.

The article argues that the Third Circuit should reject the incorrect conclusions of the Fifth and Seventh Circuits and return to correct FLSA collective action and arbitration principles. And further, that notice should be sent to all potential class members with appropriate disclaimers assuaging an employer's concerns. It also notes that once an employee subject to the arbitration defense actually opts in, then the district court can decide if the arbitration clause is enforceable.

To read the full article, click on the link below (subscription may be required).

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