

November 19, 2009

Public Justice has won an important victory against mandatory arbitration in the Maryland Court of Appeals, Maryland's highest court. As a result of the decision in *Addison v. Lochearn Nursing Home, LLC, d/b/a FutureCare Lochearn*, a nursing home that exposed a disabled elderly resident to a predatory real estate scam will have to account for its actions in court.



Beulah Addison was a resident and patient at a nursing home run by FutureCare Lochearn ("FCL"). Among other abuses, FCL brought into her room an individual pushing a foreclosure rescue scam: she thought she was agreeing to "save" her house from foreclosure, but, in reality, the transaction would have resulted in her paying the "rescue company" enormous fees and selling her house for more than \$75,000 below its value, leaving her with nothing at all.

When this scam was challenged in litigation, FCL attempted to force Ms. Addison into arbitration. The trial court denied FCL's motion to compel arbitration, holding that her claims did not fit within the scope of the language of the arbitration clause. FCL appealed. Public Justice and our co-counsel argued, among other things, that the trial court's ruling was not a final, appealable order. The Maryland Court of Appeals agreed, and dismissed FCL's appeal. As a result, Ms. Addison's case can now proceed to trial and hold FCL accountable for its wrongdoing.

To read the Court of Appeals' decision, [click here](#).

To read Public Justice's brief on appealability, [click here](#).

This is an important victory for Maryland consumers. **When trial courts reject companies' efforts to force cases into arbitration, plaintiffs can proceed immediately to trial. They will not have to endure lengthy appeals.**

Congratulations and thanks to Public Justice's Paul Bland (who argued the case in the Maryland Court of Appeals), Claire Prestel and Melanie Hirsch (who were the principal authors of the briefs), and our co-counsel, Phillip Robinson of Civil Justice in Baltimore and Julianne Chappell of Washington, D.C.

Congratulations and thanks to you, too, for helping make this victory possible. With your help, our Access to Justice Campaign and Mandatory Arbitration Abuse Prevention Project will keep fighting for access to justice for all.

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation

P.S. Please forward this email to friends and colleagues who'd be interested. (When you do so, delete the information below about unsubscribing, or they could unsubscribe you.) To make a special contribution, renew your membership, or join us, please [click here](#).

email: abryant@publicjustice.net

voice: 202-797-8600

web: <http://www.publicjustice.net>

Public Justice | 1825 K Street, NW | Suite 200 | Washington | DC | 20006