

Case Summary

Campbell v. General Dynamics Government Systems Corp.

321 F.Supp.2d 142 (Mass. 2004)

Email Deemed Insufficient Notification of Mandatory Arbitration for Employee Disputes with the Firm

The plaintiff brought an action against his former employer alleging he was wrongfully terminated due to his medical condition. The employer had the case removed to federal court, and motioned the court to stay all federal court proceedings and compel arbitration pursuant to the defendant's Dispute Resolution Policy (DRP). The case turned on the issue of whether the defendant's email to its employees was sufficient notice that the employee would be giving up his right to use the federal judicial forum. The defendant offered an email tracking-log that showed that the plaintiff had opened the email in question. The defendant offered this as evidence that the plaintiff had notice of the DRP. The plaintiff however, said that he had not read the email, and was not aware of the DRP.

Decision

The court examined the email and noted that the DRP was vaguely outlined in the bottom paragraph, and that to get more specific information on the DRP, an employee would have had to click on the two links at the bottom of the message. The court noted that the defendant did nothing to verify that its employees had read, or understood the email. The court suggested that the defendant could have made its employees verify that they had read and understood the email with a signature in the form of an electronic reply or an actual written signature. The court also said that the defendant could have had mandatory meetings with a sign in sheet where the DRP would be explained. Based on this, the court ruled that the plaintiff did not have knowledge of the DRP, and therefore, the defendant could not deprive him of his right to a federal judicial forum.

Production of Electronic Documents