

## D.R. Horton Files Reply Brief In Appeal Of NLRB Decision

October 19, 2012 | [Labor And Employment](#)

The National Labor Relation Board's (the NLRB) decision in *D.R. Horton* (the D.R. Horton decision) has been appealed to the 5th Circuit court of Appeals by D.R. Horton. On Oct. 12, 2012, D.R. Horton filed its Reply Brief, arguing that the NLRB: (1) ignores the mounting case law rejecting the NLRB's D.R. Horton decision; (2) is not authorized to dictate the procedures courts and arbitrators must use to adjudicate employees' employment-related claims; (3) fails to show that the NLRB's D.R. Horton decision is consistent with the Federal Arbitration Act; and (4) fails to show that the NLRB panel that decided the initial case had quorum.

While the arguments against the initial D.R. Horton decision are not new, [the brief does note](#) that 18 federal district courts and state appellate courts (in states including Texas, California, Pennsylvania, Arkansas, Kansas, Florida, Georgia, and New York) have rejected the decision, with 9 of those courts having refused to follow the D.R. Horton decision in the few months since D.R. Horton filed its opening brief in the 5th Circuit case.

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