

## **Hanszen Laporte Attorney Argues Before the Texas Supreme Court**

On September 15, 2017 Hanszen Laporte attorney, Daniel Dutko, argued before the Texas Supreme Court in the matter of *Henry et al. v. Cash Biz LP*. Representing the Plaintiffs in this case, Dutko argued that payday lender Cash Biz should not be permitted to compel arbitration in a class action lawsuit, because Cash Biz waived its right to arbitrate by filing criminal complaints against the Plaintiffs.

In 2012, Cash Biz filed criminal complaints against over six hundred of its customers in Bexar and Harris counties to collect on defaulted loans. Dutko filed a class-action lawsuit on behalf of several of Cash Biz's borrowers claiming Cash Biz wrongfully and fraudulently used the criminal courts to enforce a civil debt.

Immediately after filing suit, Cash Biz filed a motion to compel arbitration and a motion to enforce the class action waiver. Dutko argued that Cash Biz waived its right to compel arbitration, because it substantially invoked the judicial process. Specifically, Cash Biz ignored its own arbitration clause when it filed criminal complaints against the borrowers. The trial court denied Cash Biz's motion to compel arbitration and class-action waiver. Cash Biz appealed the trial court's order and the Fourth Court of Appeals in San Antonio reversed the trial court in a 2-1 decision.

Dutko petitioned the Texas Supreme Court and asked that the holding of the court of appeals be reversed. The Texas Supreme Court Granted the Petition for Review and on September 15, 2017, the Court conducted Oral Arguments.