

Kentucky Supreme Court
Cases of Note
January-[February](#), 2013

Note: To open hyperlink, take one of the following steps:

1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

Note: No court in January.

CONTRACTS

MHC Kenworth-Knoxville/Nashville v. M&H Trucking, LLC: and Mike Hall
[2011-SC-000441-DG](#) February 21, 2013

Opinion of the Court by Justice Noble. Minton, C.J.; Abramson, Cunningham, Noble, Scott and Venters, JJ., sitting. All concur. Appellant MHC Kenworth- Knoxville/Nashville and Appellee M&H Trucking entered into a contract of sale that contained an arbitration provision for a new truck. Dissatisfied with the truck, Appellee filed suit in circuit court alleging fraud and intentional misrepresentation. Appellant moved to stay litigation and compel arbitration pursuant to the arbitration clause in the contract. The trial court denied the motion and allowed litigation to proceed. The Court of Appeals affirmed the trial court’s decision.

The Court granted discretionary review to examine the issue of whether an arbitration agreement providing that it is controlled by the Federal Arbitration Act is enforceable in the Kentucky courts. The Court held that the arbitration agreement was enforceable in Kentucky courts because it explicitly required disputes to be governed by the Federal Arbitration Act, and consideration of the Kentucky Arbitration Act was unnecessary.