

**Editor's Note :** Click here for important resources on the nomination of Amy Coney Barrett and the confirmation process. We're hosting a symposium on the jurisprudence of the late Justice Ruth Bader Ginsburg. Click to follow along with the contributions.

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## Henry Schein Inc. v. Archer and White Sales Inc.

Docket No.	Op. Below	Argument	Opinion	Vote	Author	Term
19-963	5th Cir.	Dec 8, 2020	TBD	TBD	TBD	OT 2021

**Issue:** Whether a provision in an arbitration agreement that exempts certain claims from arbitration negates an otherwise clear and unmistakable delegation of questions of arbitrability to an arbitrator.

### SCOTUSblog Coverage

- Justices release December calendar (Amy Howe)
- Court grants two new cases (Amy Howe)
- Sequel Watch (John Elwood)
- Petitions of the week (Andrew Hamm)

#### Date

#### Proceedings and Orders (key to color coding)

Jan 31 2020	Petition for a writ of certiorari filed. (Response due March 2, 2020)
Mar 02 2020	Brief of respondent Archer and White Sales, Inc. in opposition filed
May 19 2020	DISTRIBUTED for Conference of 6/4/2020.
May 21 2020	Reply of petitioner Henry Schein, Inc. filed. (Distributed)
Jun 08 2020	DISTRIBUTED for Conference of 6/11/2020.
Jun 15 2020	Petition GRANTED.
Jun 25 2020	Motion for an extension of time to file the briefs on the merits filed.
Jul 08 2020	Blanket Consent filed by Petitioner, Henry Schein, Inc.
Jul 13 2020	Motion to extend the time to file the briefs on the merits granted. The time to file the joint appendix and petitioner's brief on the merits is extended to and including August 21, 2020. The time to file respondent's brief on the merits is extended to and including October 13, 2020.
Aug 21 2020	Motion to file the joint appendix under seal with redacted copies for the public record filed by petitioner Henry Schein, Inc.
Aug 21 2020	Joint appendix (Redacted copies for the public) filed.
Aug 21 2020	Brief of petitioner Henry Schein, Inc. filed.
Aug 25 2020	Blanket Consent filed by Respondent, Archer and White Sales, Inc.

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9/29/2020

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Aug 28 2020

Brief amicus curiae of DRI - The Voice of the Defense Bar filed.

Aug 28 2020

Brief amicus curiae of Renco Dental Supply Company filed.

Sep 16 2020

SET FOR ARGUMENT on Tuesday, December 8, 2020.

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<https://www.scotusblog.com/case-files/cases/henry-schein-inc-v-archer-and-white-sales-inc-2/>

No. 19-963

In the Supreme Court of the United States

HENRY SCHEIN, INC., PETITIONER

v.

ARCHER AND WHITE SALES, INC.

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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**QUESTION PRESENTED**

Whether a provision in an arbitration agreement that exempts certain claims from arbitration negates otherwise clear and unmistakable delegation of questions of arbitrability to an arbitrator.