

# WILENTZ

—ATTORNEYS AT LAW—

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## Check into Arbitration—Appellate Division Enforces Clickwrap Agreement

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Wilentz attorneys Lynne M. Kizis, co-chair of the Mass Tort/Class Action team, and Joseph Carlo co-authored the article featured in the New Jersey Law Journal's Product Liability & Class Action annual supplement. They review the New Jersey case law on the enforceability of browsewrap and clickwrap agreements in light of the recent *Santana v. SmileDirectClub* decision. Online retailers have increasingly favored these online agreements, which can remove many future plaintiffs from litigation due to their standard arbitration clauses. The article delves into how these agreements are formed, the terms typically included, how the courts have interpreted their enforceability, and the implications for future class members or individual plaintiffs.

### Attorneys

- Lynne M. Kizis
- Joseph Carlo

### Practices

- Class Action
- Defective Drug & Device Injury