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## Third Circuit Compels Arbitration Finding that Failure to Carefully Read Arbitration Agreement Does Not Vitiating Assent

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Plaintiff entered into an agreement with Kaplan University (Kaplan) as part of registration for online courses through the university's website portal. After entering the necessary information, Plaintiff electronically signed an "Enrollment Packet," which included an arbitration agreement and a waiver of a jury trial. When Plaintiff later brought suit against Kaplan for various causes of action relating to false advertising and violation of copyright laws, Kaplan moved to dismiss and compel arbitration, asserting that Plaintiff's claims fell within the arbitration agreement. In an attempt to avoid dismissal, Plaintiff argued that she was never made aware of the arbitration agreement and did not consent to the use of her electronic signature for that agreement. Despite this, the District Court for the District of Pennsylvania entered an order compelling arbitration, finding that because Plaintiff acknowledged her participation in the enrollment process, there was no genuine issue of material fact as to whether she assented to arbitration.

On appeal, Plaintiff argued that Kaplan employed a deceptive practice by attaching the arbitration agreement to the Enrollment Packet without making Plaintiff fully aware of its contents. However, the Third Circuit found this argument unavailing, noting that the arbitration agreement was "clearly labeled" within the Enrollment Packet, and that Plaintiff conceded that she electronically signed the packet. The Third Circuit ultimately affirmed the District Court's judgment, finding that Plaintiff's failure to carefully read the information could "not save her from her obligation to arbitrate."

[Dicent v. Kaplan University](#), No. 18-2982 (3d. Cir. Jan. 10, 2019).

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