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Do Good Things Come To Those Who Wait?

By Raquel S. Lord

Contrary to the old adage, good things do not always come to those who wait. In *Cole v. Jersey City Medical Center, et al.*, 2012 N.J. Super. LEXIS 42 (March 29, 2012), the Appellate Division reversed the trial court's granting of defendant Liberty Anesthesia Associates, LLC's ("Liberty") motion to compel arbitration and dismissal of plaintiff's complaint with prejudice. The appellate court held that Liberty waived its right to request arbitration when it waited for months after it was named in the lawsuit and three days before a jury trial was to begin to attempt to enforce an arbitration clause in an employment agreement with the plaintiff.