

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 13
Darrelle Revis et al.,
Appellants,
v.
Neil Schwartz, et al.,
Respondents.

Mark S. Levinstein, for appellants.
Mario Aieta, for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed, with costs. Based on the allegations in the complaint, alleging intertwined claims of breach of fiduciary duty, unjust enrichment, and equitable fraud and seeking rescission of all the parties' agreements plus

damages and disgorgement of fees arising therefrom, the Appellate Division properly concluded that the gateway questions of arbitrability should be resolved by the arbitrator (*see Garthon Bus. Inc. v Stein*, 30 NY3d 943, 944 [2017]; *Life Receivables Trust v Goshawk Syndicate 102 at Lloyd's*, 14 NY3d 850, 851 [2010]; *Matter of Board of Educ. of Watertown City School Dist. [Watertown Educ. Assn.]*, 93 NY2d 132, 143 [1999]; *see generally Henry Schein, Inc. v Archer & White Sales, Inc.*, 586 US —, 139 S Ct 524 [2019]).

Order affirmed, with costs, in a memorandum. Chief Judge DiFiore and Judges Rivera, Garcia, Wilson, Singas, Cannataro and Troutman concur.

Decided March 17, 2022