

Small business defense/tort/appeal/arbitration/breach of contract defense/Better Business Bureau
Paul Miller Ford, Inc. v. Rutherford (No. 06-CI-01412, KY Court of Appeals 2007)

A customer purchased a used vehicle, took delivery and then almost immediately defaulted under the purchase contract terms by failing to pay. The vehicle was repossessed and then the customer filed a tort suit against the car dealership seeking damages for emotional distress and inconvenience that resulted from the repossession of the car. The purchase contract contained an arbitration provision designed and recommended by the Better Business Bureau. The trial court declined to enforce the arbitration provision and the appellate courts further refused to enforce it based upon public policy grounds.