

Second Motion To Compel Arbitration Was Unauthorized Motion For Reconsideration

California Employment Law on September 22, 2026

***Hickenbottom v. Medical Solutions LLC*, 2026 WL 2511310 (Cal. Ct. App. 2026)**

Medical Solutions first moved to compel a travel nurse's wage-and-hour claims under an arbitration provision in its handbook. After the trial court denied the motion because that provision had been superseded, the company filed a second motion relying on a different arbitration agreement. The Court of Appeal held that the second filing was a renewed motion under Cal. Code Civ. Proc. § 1008 because both motions sought the same relief — arbitration of the same claims — even though they were based on different contracts. Because the employer failed to submit the affidavit required by Section 1008 identifying new facts, circumstances, or law and explain why the new basis had not been presented earlier, the trial court lacked jurisdiction to consider the second motion, and the resulting denial was not appealable, so the appeal was dismissed.

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