

## **Initial Pre-hearing Conference Scheduling Order**

Arbitration Proceeding

### **Parties**

IN THE MATTER OF:

Claimant(s):

Respondent(s):

Case Number:

This case was filed under the American Arbitration Association Expedited Commercial Rules. An initial pre-hearing telephonic conference was held in the above-captioned matter on \_\_\_\_\_, 20\_\_ at \_\_\_\_ a.m./p.m. EST .

### **Participants**

Arbitrator: Chase B. Saunders

Claimant's Representatives:

Respondents' Representatives:

Respondent's Representative:

Dispute Resolution Staff: \_\_\_\_\_, Case Manager

### **Scheduling Order**

The following was agreed upon during the conference and is now entered as the Initial Pre-hearing Conference Scheduling Order:

A. Introductions were made and no additional disclosures were made. The Claimants and Respondents represented that the pleadings are currently filed with the AAA represent their claims and responses.

B. The arbitrator confirms that there are no conflicts and the arbitrator is confirmed by the parties.

C. The parties are hereby advised of the availability of mediation on a separate track.

D. The final hearing in this matter shall commence before the arbitrator on \_\_\_\_\_, 2013 in \_\_\_\_\_, North Carolina at 9:30 a.m. at a location to be determined by the parties after consultation with the Case Manager. The parties estimate that this case will require at least \_\_\_day of hearing time, inclusive of arguments.

E. Initial documentary discovery requests which contemplate written discovery and requests to produce will be served by each party on the other by \_\_\_\_\_, 20\_\_\_. The parties are given thirty days to respond up to and including \_\_\_\_\_, 20\_\_.

G. Each party may take one depositions subject to application for additional depositions if necessary. Depositions will be conducted by \_\_\_\_\_, 20\_\_.

H. Claimant will not call an expert. Respondents reserve the right to identify and call experts dependent upon the course of discovery and should either party seek to identify an expert, they shall notify the other party by \_\_\_\_\_, 20\_\_ in order that any procedural issues can be determined without the need for a procedural conference with the arbitrator. Should any party wish to schedule a teleconference with the arbitrator, counsel for the party will contact the Case Administrator for scheduling purposes.

I. Claimant and Respondent will identify all lay witnesses by \_\_\_\_\_, 20\_\_.

J. Pre-hearing briefs will be prepared. The parties would exchange their briefs on \_\_\_\_\_, \_\_ ( 20 days before the hearing). Responses to the briefs along with the pre-hearing briefs of all parties are to be transmitted to the arbitrator by \_\_\_\_\_, 20\_\_, ( 10 days before the hearing set for \_\_\_\_\_, 20\_\_).

K. AAA Expedited Rules call for the entry of a standard award by the arbitrator. The parties prefer a more detailed award. No party requested the use of the AAA Expedited Rules. The arbitrator is of the opinion that this is a complex case with multiple parties and multiple claims and the Expedited Rules do not appear to meet the needs of the parties. The arbitrator requests that the Case Manager contact the parties to determine the rules under which they wish this case to be conducted and the form of the award. The arbitrator will enter a standard award under AAA Expedited Rule guidelines unless the parties use the Standard Commercial Rules which permit additional options.

L. The parties will exchange trial witness lists from the previously identified lay and expert witnesses and exhibit lists two weeks before the hearing. Each party will inform the other of the intended subject matter about which a particular witness will testify. Upon the exchange of the aforesaid information, the parties will confer and determine whether or not an additional discovery conference is necessary. If so, they will seek a teleconference on this issue.

M. The parties will confer and seek to file a stipulation of uncontested facts 2 ( two ) weeks prior to the date of the commencement of the hearing. At the same time the parties will submit their joint exhibits to the arbitrator. The parties will exchange information and documents in an expedited fashion with a copy to the Case Manager.

N. There shall be no direct oral or written communication between the parties and the arbitrator except at oral hearings including teleconferences at which time the parties or counsel will be present. However, Counsel for the parties agreed to the use of expedited rules to be used in the transmission of documents to the arbitrator with a copy to the Case Manager.

O. The arbitration is to be binding upon the parties and subject to tender for confirmation in accordance with the applicable state or federal law.

P. Post hearing briefs shall not be submitted under the Expedited Rules.

Q. Hearing Procedures.

1. The parties are encouraged to present evidence using the following guidelines:

- (a) summaries;
- (b) stipulations of uncontested facts;
- (c) timelines;
- (d) joint exhibit notebooks of concurring documents;
- (e) Bates or standard numbering systems;
- (f) itemization of damages;

2. Witnesses may be called out of order.

3. The parties shall make arrangements to schedule the attendance of witnesses so that the matter can proceed without unnecessary delay. During the final hearing, each party shall give the other party at least one day advance notice concerning the identity of the witnesses who will be testifying the following day and the order of the testimony.

4. Prior to final argument the parties will exchange and provide the Panel member with a list of issues and answers they contend are material to their case. The issues will also provide a damage calculation.

5. The arbitrator has no objection to the use of telephonic testimony for distant witnesses or to the presentation of evidence in narrative fashion if all parties are in agreement on each of these matters.

R. Each party will be responsible for the payment of any expenses associated with the engagement of a court reporter.

S. A telephone conference to review any interim matters including dispositive motions may be scheduled upon request by a party.

T. Counsel will confer and enter into any orders necessary to ensure confidentiality.

U. This Order remains in effect unless amended.

Dated: \_\_\_\_\_, 20\_\_.

*Chase B. Saunders*

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Chase B. Saunders, Arbitrator