



EXPEDITED ARBITRATION RULES

EXPEDITED RULE 1 WHEN EXPEDITED ARBITRATION PROCEDURES APPLY

- A. These supplemental Expedited Arbitration Rules (“Expedited Rules”) are intended to provide for expedited arbitration procedures enabling the parties to a dispute to have their dispute resolved expeditiously and efficiently, ordinarily within three (3) months after the appointment of the Arbitrator.
- B. The parties may mutually agree to expedited arbitration in accordance with these supplemental Expedited Arbitration Rules (“Expedited Rules”) for any case, irrespective of the amount in dispute, in their pre-dispute arbitration agreement, in a Submission Agreement or at the Preliminary Conference, in which case their agreement will be reflected in the Preliminary Conference Order. The parties are encouraged to do so where there is no disclosed claim or counterclaim that exceeds \$25,000, exclusive of interest, attorney fees and arbitration fees and costs.
- C. Unless otherwise provided in these Expedited Rules, all of the other CBA Arbitration Rules shall apply for cases proceeding in accordance with these rules.

EXPEDITED RULE 2 APPOINTMENT OF ARBITRATOR

The CBA shall provide all parties with a list of five (5) individuals from the roster of arbitrators from which the Arbitrator shall be selected in the same manner as is provided under Rule 12 of the CBADR Arbitration Rules, except that the parties are to return their list of strikes and rankings to CBADR within 5 days.

EXPEDITED RULE 3 ARBITRATOR FEE CAP

Each individual on the foregoing list of arbitrators shall have agreed that his or her fees, excluding expenses, shall not exceed \$10,000, irrespective of the actual time expended by the Arbitrator through issuance of the Final Award. In the event the parties agree to these Expedited Rules after appointment the Arbitrator, the Arbitrator must also agree to the \$10,000 fee cap and time limit. If a previously appointed Arbitrator does not agree, a new arbitrator will be selected in accordance with Expedited Rule 2.

EXPEDITED RULE 4 TIME LIMIT FOR AWARD

When these Expedited Rules apply, the Arbitrator must issue his or her award within three (3) months after his or her appointment unless the parties agree otherwise or an extension is granted by the Program Director upon application of a party or the Arbitrator. The Program Director may grant an extension of time for no more than thirty (30) days. All other times for discovery and disclosures and the date or dates for the Final Hearing are those stated in the Preliminary Conference procedural order under Rule 21 of the CBADR Arbitration Rules.

EXPEDITED RULE 5 DISCOVERY

It is the intent of these Expedited Rules that, in order to complete proceedings within the three month time limit, discovery is to be limited such that each party is expected to prove its case primarily from its own documents and witnesses and that extensive discovery from opposing parties is disfavored and limited to matters demonstrably needed for a fair and just determination of the claims presented. Accordingly, unless otherwise agreed by the parties or the Arbitrator by order allows, discovery shall be limited to the following:

- A. Production of all documents upon which the party relies that support its case in chief on its claim, counterclaim, or in defense of the same, by the date set at the Preliminary Conference.
- B. After approval as to form and content by the Arbitrator at the Preliminary Conference or by a subsequent date set at the Preliminary Conference:
 - 1. production of documents, including ESI, at the request of a party from another party that are:
 - a. shown to be relevant and material to the outcome of the case,
 - a. not in the possession of or otherwise available to the requesting party, and
 - a. are narrowly drawn and reasonably and specifically described as to subject matter and content so that the requested documents can be readily identified and produced by requested party without undue burden;
 - 2. up to twenty (20) interrogatories, including all discrete subparts, addressed to another party;
 - 3. unless otherwise agreed or ordered by the Arbitrator, there shall be no discovery depositions.



**EXPEDITED RULE 6
REQUIRED DISCLOSURES**

By the date set at the Preliminary Conference, but not later than twenty-one (21) days prior to the Final Hearing, the parties shall deliver to the Arbitrator and exchange with all other parties the following:

- A. All documents, marked with exhibit numbers, upon which they intend to rely and offer as evidence during their case in chief at the Final Hearing;
- B. The name, business and residence address, and summary of the direct evidence (or written witness statement) of every fact witness to be called in the party's case in chief. The Arbitrator may exclude all testimony from any witness not identified by a party and may also exclude any specific testimony for which reasonably complete disclosure was not made in the summary of such witness' direct evidence. No disclosure of rebuttal evidence is required;
- C. The name, business address and professional qualifications of every expert witness who will offer any expert opinion evidence at the Final Hearing. In addition, the party offering expert opinion evidence shall also disclose in writing to all other parties all opinions that each expert will express and the basis and reasons for such opinions along with all facts or data considered by the witness in forming such opinions and any exhibits that will be used to summarize or support the opinions. The Arbitrator may exclude from evidence at the Final Hearing any expert opinion not disclosed in accordance herewith.

**EXPEDITED RULE 7
PROCEEDINGS ON DOCUMENTS ONLY**

If the parties have so agreed, the arbitration may be conducted entirely on submission of documents without an oral Final Hearing. In such case, the Arbitrator shall establish the timing and manner for any requested discovery and the submission of evidence and legal arguments at the Preliminary Conference. At his or her discretion, the Arbitrator, not later than fourteen (14) days after receipt of all written submissions, may order an oral hearing if the Arbitrator determines that an oral hearing is necessary for the fair and just determination of the case. At least seven (7) days' prior notice must be given for such oral hearing, which may be held telephonically or in person. In a documents only arbitration, the hearing shall be deemed to be closed on the latter of the date on which the last written submission is due or the close of any oral hearing ordered by the Arbitrator.