**CINCINNATI BAR ALTERNATIVE DISPUTE RESOLUTION SERVICES**

**ARBITRATION RULES**

**In the matter of Arbitration between:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Claimant**

**and**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Respondent**

**PRELIMINARY CONFERENCE ORDER**

**CBADR Rule 21**

A template for the following Preliminary Conference Order was distributed by CBADR prior to the Preliminary Conference Hearing. Per Rule 21.A, the parties are required to confer at least three (3) days prior to the Pretrial Conference and are to endeavor to agree on each of the items referenced herein. The Claimant shall be responsible to submit this template order, with all items upon which the parties have agreed filled-in, to CBADR no later than 48 hours prior to the scheduled Preliminary Conference.

**Order**

A preliminary conference was held **in person, via videoconference** or **telephonically** (circle one) at Cincinnati, Ohio on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_, before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Arbitrator(s), pursuant to CBADR Rule 21. Each of the following matters was discussed with the Arbitrator in accordance with CBADR Rule 21. The Arbitrator hereby enters the following Preliminary Conference Order.

* + 1. The parties **have** / **have not** agreed to mediate their dispute; if to be mediated, the mediation is to be completed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    2. The parties **shall** / **need not** (circle one) submit more detailed statements of claims, counterclaims, or defenses; if more detailed statements are to be submitted, Claimant’s shall be submitted by \_\_\_\_\_\_\_\_\_\_\_, 202\_\_; and Respondent’s shall be submitted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    3. Amendments or supplements to the parties’ claims, counterclaims, or defenses **may** / **may not** (circle one) be filed; any amendment by Claimant shall be submitted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_; any amendment by Respondent shall be submitted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    4. The (a) regular CBADR Arbitration Rules; (b) Expedited Arbitration Rules; (c) Rule 7 - Documents Only; (d) CBADR Employment Case Procedures & Discovery Protocols; or (e) rules other than CBADR Arbitration Rules \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(name rules) (circle (**a**), (**b**), (**c**), (**d**) or (**e**)) and the arbitration law of the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or, if applicable, the Federal Arbitration Act (9 U.S.C. §1 *et seq.*) shall apply to these arbitral proceedings and substantive law of the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_are to be applied to the parties’ claims.
    5. The following threshold issues can be appropriately decided on motion prior to the Final Hearing without the need for considering the entire case. The specific threshold issues to be presented by motion are\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(describe issues or state “none.”). Such threshold issues may be presented by motion brought by **Claimant** / **Respondent** (circle one) not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    6. In advance of the Final Hearing, the substance of witness testimony shall be disclosed in advance of the Final Hearing by (1) written summaries containing the substance of each witness’s expected direct testimony, (2) written witness statements constituting the entirety of each witness’s direct testimony in lieu of the witnesses’ direct being submitted orally at the final hearing, or (3) oral depositions of the witnesses listed in the attached addendum (circle one or more of **1**, **2** or **3**).
    7. Each party shall produce all documents, including ESI, that such party expects to rely upon and present as exhibits at the Final Hearing in support of his/her/its own case-in-chief for all claims, counterclaims and/or defenses not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ (Claimant) and by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ (Respondent).
    8. Claimant must submit any request for production of documents, including ESI, to Respondent not later than \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_; Respondent must submit any request for production of documents, including ESI, to Claimant not later than \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. All objections to a document request must be submitted to the requesting party no later than \_\_\_\_[14] days after service, and the requested documents produced no later than \_\_\_\_[30] days after service. Document requests must be limited to narrowly defined categories of documents that are material to the matters at issue, are reasonably believed by the requesting party to be in the possession, custody or control of the party to which the request is made, and the cost for production is reasonably proportional to the amount in controversy in the case. (See Rule 22.B.)
    9. Ordinarily no oral depositions are permitted unless a party seeking to take a deposition can show it is essential for that party’s presentation of its case; accordingly, (a) there shall be no oral depositions in this case; or (b) the names of all persons to be deposed along with the requesting party are listed in an addendum hereto. [Circle (**a**) or (**b**).] No deposition may exceed \_\_\_[3] hours. (See Rule 22.C.)
    10. Each party may serve no more than \_\_\_[10] interrogatories, each of which must be relevant and material to the issues in this case and be answered no later than \_\_\_[30] days after service. Any additional agreed or required discovery procedures are described in an addendum hereto.
    11. Each party shall bear its own costs of searching for information requested by the opposing party, except \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (See Rule 22.D.)
    12. A protective or confidentiality order **is** / **is not** required. (Circle one.) If such an order is required, the **parties jointly**, the **Claimant** or the **Respondent** (circle one) shall submit a draft order to the Arbitrator within \_\_\_\_[10] days, and the other party shall present any comments or objections within \_\_\_[5] days. In employment cases, the Model Protective Order shall ordinarily be issued as a matter of course. (See Rule 22.D.)
    13. The case schedule is as follows:
* Claimant’s Fact Witnesses to be identified by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
* Respondent’s Fact Witnesses to be identified by : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

Each party must disclose each witness’s full name, address and phone number and make reasonable disclosure of the substance of each witness’s expected direct testimony as provided at Paragraph 6 above. (See Rule 21.C.13.a &d.)

* For employment cases, all documents, including ESI, required to be exchanged each party under the Initial Discovery Protocols shall be exchanged without requests not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
* All document production and any depositions shall be completed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
* Claimant’s Expert Witnesses Reports to be served by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. Respondent’s/Counterclaimant’s Expert Witnesses Reports to be served by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. Rebuttal Expert Reports, if any, shall be served \_\_\_ [14] days after service of rebutted report (See Rule 21.C.13.e.)
* Each party shall simultaneously deliver to the other party copies of all exhibits (marked with exhibit numbers) that such party intends to offer as evidence in its case-in-chief at the Final Hearing (except for exhibits used exclusively for impeachment) by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

The parties are to endeavor to eliminate all duplicate exhibits and make all duplicates into joint exhibits and re-marking same as joint exhibits. Each Claimant’s exhibit shall have a “C“ prefix; each Respondent’s exhibit shall have an “R“ prefix; and each joint exhibit shall have a “J” prefix.

* All Final Exhibits (in tabbed binders if hard copy, or in PDF format with separate page dividers if electronic) shall be delivered to the Arbitrator by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
* Any pre-hearing briefs, not to exceed \_\_\_\_ pages (double spaced), shall be simultaneously submitted to the Arbitrator on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

**The foregoing schedule, including all specified dates and deadlines, will be strictly enforced and may be modified only upon a showing of good cause and prejudice.**

* + 1. It has been determined that **(a)** there is no need for any additional pre-Final Hearing conferences, or **(b)** there will be additional pre-Final Hearing conferences and/or a Preliminary Hearing on a threshold issue identified at Paragraph 5 above at \_\_\_, \_.m. on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_, (list all dates & times) (circle one a or b above). The additional pre-Final Hearing conferences or Preliminary Hearing shall be for the following purposes:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    2. The Final Hearing shall commence at \_\_\_. \_.m. on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Address), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(City), \_\_\_\_\_\_\_\_(State), and is expected to continue for no more than \_\_\_\_ days.
    3. The Final Hearing shall be conducted (a) **in person**, (b) by video conferencing (via Zoom, WebEx , Skype, or other similar platform), or (c) **on papers only**. (Circle one.) If conducted “in person,” witness testimony **may / may not** (circle one) be conducted by (a) **video conference**, (b) **telephonically**, (c) **either vide conference or telephonically**, or (d) **by other means** (i.e., \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) (circle one), only for the following specific witnesses \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    4. A stenographic transcript of the Final Hearing **will /** **will not** (circle one) be taken and will be paid for by (a) Claimant, (b) Respondent, or (c) split evenly by both. (Circle (a), (b) or (c).)
    5. Arbitrator subpoenas **will / will not** (circle one) be required. Requests for any arbitrator subpoenas must be presented to the Arbitrator by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    6. Post-hearing briefs **will / will not** (circle one) be filed. If filed, post-hearing briefs, not to exceed \_\_\_\_\_\_\_ pages (double spaced), must be submitted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    7. The parties request the Arbitrator to issue (**a**) a summary award, or (**b**) a reasoned decision and award. (Circle (a) or (b))
    8. Any stipulations of facts shall be submitted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.
    9. The Clamant expects to prove damages in the following approximant amounts (list each element of damages claimed): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* + 1. Is any party seeking equitable relief – **yes / no**? (Circle one.) If so, specify the nature of any equitable relief and the party seeking it:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + 1. The Arbitrator shall issue his or her award within \_\_\_\_\_[30] days of the close of the hearing. (The failure of the Arbitrator to issue the award within the foregoing time does not deprive the Arbitrator of jurisdiction to issue an award.)
    2. The parties **may / may not** (circle one) submit communications and other submissions directly to the Arbitrator(s) via email at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, provided, however, that such communication or submissions must be simultaneously sent to all other parties and the CBADR at the Cincinnati Bar Center or, if by email, to jshiverdecker@cincybar.org. (See Rule 16.)
    3. Other matters: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**All specified dates and deadlines will be strictly enforced and may be modified only upon a showing of good cause.**

SO ORDERED on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_.

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Counsel for Claimant Arbitrator

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Counsel for Respondent