

1. Adoption of Rules

Parties to a dispute may adopt these Arbitration Rules either before or after a dispute arises by an arbitration agreement referring hereto.

2. Initial Pleadings

- (a) A Claimant may initiate an arbitration under these Rules by serving a Demand for Arbitration upon the Respondent setting forth: (i) the names and addresses of the Claimant and Claimant’s representatives; (ii) the names and addresses of the Respondent and Respondent’s representatives, (iii) a detailed description of each Claim being asserted by Claimant against Respondent; (iv) the relief that Claimant is seeking against Respondent; and (v) the location where Claimant wishes the final hearing on the merits to take place. If more than one Respondent is named, Claimant shall provide the names and addresses for each Respondent and each of Respondent’s representatives. Claimant shall also attach to the Demand a complete copy of the agreement containing the arbitration provision under which arbitration is being demanded.
- (b) Respondent shall, within twenty-one days of service of Claimant’s Demand for Arbitration, serve a Response setting forth: (i) an admission or denial of the allegations and Claims set forth in Claimant’s Demand; (ii) a detailed description of each Defense that Respondent has to the Claims asserted by the Claimant; (iii) any Counterclaim that Respondent may wish to assert against Claimant, which Counterclaim shall include all the elements in Rule 2(a); and (iv) the location where Respondent wishes the final hearing on the merits to take place.
- (c) Within fourteen days of service of a Counterclaim by Respondent, Claimant shall serve a Counterclaim Response which shall include all the elements in Rule 2(b).
- (d) If a Response or Counterclaim Response is not served within the stated time, the Claims asserted shall be deemed denied.

3. Listing of Interested Parties and Persons with Knowledge

With their Initial Pleadings, the Parties shall serve upon one another a disclosure setting forth the following: (i) the names and addresses of each person or organization having more than a five percent ownership interest in Claimant or Respond-

ent; (ii) the names, addresses, and titles of each officer and director of Claimant or Respondent; and (iii) the names and addresses of each person knowing information relevant to the Claims, Counterclaims, or Defenses asserted in the Initial Pleadings.

4. Arbitrator Disclosure

The Arbitrator shall review the Rule 3 disclosures and advise the Parties if he has or has had a professional, business, or social relationship with the listed persons or organizations. The Arbitrator’s disclosure shall also report whether the Arbitrator believes a disclosed relationship will affect his neutrality. If the Arbitrator reports the relationship will affect his neutrality, he shall withdraw as the Arbitrator. If he reports he does not believe the relationship will affect his neutrality, a Party may, within seven days of receiving the Arbitrator’s disclosure, serve a written Objection to the Arbitrator’s continued service. Any objection shall explain the reason the Party believes the disclosed relationship will negatively affect the Arbitrator’s neutrality. The other Party shall serve a response thereto within seven days of service of the Objection. The Arbitrator will then consider and rule upon the Objection.

5. Amendments to Initial Pleadings

Prior to the Case Management Conference, the Parties may amend their Initial Pleadings by serving amended versions thereof upon one another. Following the Case Management Conference, further amendments to the pleadings may be made only with leave of the Arbitrator. Any new or amended pleading shall include the elements in Rule 2(a) and (b). The Party against whom the new or amended pleading is asserted shall, within fourteen days of service thereof, serve a responsive pleading which shall include the elements in Rule 2(b).

6. Case Management Conference

Subject to the availability of the Parties and the Arbitrator, a Case Management Conference will be conducted within sixty days of the service of the Demand for Arbitration. The Arbitrator and the Parties will address the procedures to be followed throughout the arbitration proceeding, including:

- (a) whether the parties consent to the Arbitrator’s jurisdiction;
- (b) the rules that will govern the arbitration;
- (c) whether further amendments to the pleadings will be needed;
- (d) whether any additional Parties will be joined in the arbitration;

- (e) the date and content of the parties' initial disclosures;
- (f) the discovery the parties believe they will need to conduct;
- (g) the dates on which the parties will exchange expert reports and curriculum vitae;
- (h) whether any preliminary hearings will be needed;
- (i) the date, location, and anticipated length of the final hearing;
- (j) the date by which the Parties will serve any stipulation of uncontested facts;
- (k) the date on which the Parties will exchange witness lists and copies of exhibits;
- (l) the date on which the parties will file pre-hearing briefs, and whether the Parties anticipate submitting post-hearing briefs;
- (m) whether a court reporter will be retained to record proceedings at the final hearing;
- (n) the form of the Award to be issued by the Arbitrator;
- (o) the possible use of mediation (with another neutral) to resolve the Parties' dispute; and
- (p) any other preliminary matters.

Following the Case Management Conference, the Arbitrator will issue a Case Management Order that will govern further proceedings in the Arbitration.

7. Initial Disclosures and Discovery

At a time specified in the Case Management Order Parties shall:

- (a) disclose the name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing Party may use to support its Claims or Defenses;
- (b) produce to the other Party a copy of all documents, electronically stored information, and tangible things that the disclosing Party has in its possession, custody, or control and may use to support its Claims or Defenses (things that cannot reasonably be copied shall be made available for inspection);
- (c) provide a computation of each category of damages claimed by the disclosing Party - who must also provide for inspection and copying the documents or other evidentiary material, unless privileged or protected from

disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

- (d) produce for inspection and copying any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible Award or to indemnify or reimburse for payments made to satisfy an Award.

Thereafter, the Parties may each serve fifteen interrogatories and fifteen requests for production upon one another. Each Party may also conduct two depositions lasting up to six hours each. No other discovery shall be served or conducted, unless permitted by stipulation of the parties or Order of the Arbitrator.

The Parties shall bring any discovery disputes to the attention of the Arbitrator at the earliest possible time by requesting a discovery dispute conference. Prior to the conference the Parties shall submit brief letters describing the dispute.

8. Preliminary Hearings

The Arbitrator may schedule preliminary hearings at the request of a Party, or on the Arbitrator's own initiative, to discuss such matters as the Arbitrator may deem necessary and appropriate. The preliminary hearings will normally be conducted by telephone, unless the Arbitrator orders otherwise.

9. Interim Relief

A Party may move for interim relief prior to the final hearing on the merits. The motion shall describe the interim relief sought and the legal and factual basis therefor. The motion shall be supported with the evidence the moving Party wishes the Arbitrator to consider in connection with the motion. The non-moving Party shall serve a response within fourteen days of service of the motion, together with the evidence that Party wishes the Arbitrator to consider in connection with the motion. The moving Party may serve a reply within seven days of the service of the response. The Arbitrator shall determine the motion on the papers, unless he orders oral argument. Any Order granting interim relief may be conditioned upon the provision of security by the Party seeking the relief.

10. Dispositive Motions

- (a) Dispositive motions may be filed at the discretion of the parties. The party opposing the motion will file a response within twenty-one days after service of the motion, and the moving party may file a reply within seven days of service of the response. All motion papers shall

be supported any evidence the parties wish the Arbitrator to consider and copies of the authorities cited. The Arbitrator will schedule oral argument on the motion unless waived by mutual agreement of the parties.

- (b) A responding party needing additional discovery before responding to the motion shall request a telephone conference to discuss the discovery needed and a timeline for obtaining it. If granted leave to conduct the requested discovery, the timeline for the response and reply will be extended.

11. Final Hearing on the Merits

- (a) The Arbitrator shall set the date, time, and place for the final hearing on the merits.
- (b) Any person having a direct interest in the arbitration may attend hearings, with their counsel. Organizations may attend through a duly authorized representative and their counsel. The Arbitrator may determine the propriety of the attendance of any other person and shall have the power to exclude other persons from the hearing, including the right to separate witnesses.
- (c) The Arbitrator shall determine the procedures to be followed during the final hearing. The rules of evidence and rules of civil procedure applicable in court proceedings shall not govern an arbitration conducted pursuant to these Rules. The Arbitrator shall have the discretion to receive or exclude evidence offered by the Parties, and to receive evidence in any form that the Arbitrator deems appropriate.
- (d) The final hearing may proceed in the absence of any Party or representative who has received notice of the hearing.
- (e) To the fullest extent permitted by law, the Arbitrator shall have the right and power to issue subpoenas in connection with the final hearing or any other proceeding in the arbitration.
- (f) The Arbitrator shall have the right and power to conduct any investigations or inspections that the Arbitrator deems necessary and appropriate.
- (g) At the conclusion of the hearing the Arbitrator shall ask the Parties if they wish to present any other evidence. Upon being advised the Parties have no other evidence to offer, the Arbitrator may close the final hearing on the merits. If post-hearing briefs are to be served, the briefing schedule shall be set prior to the conclusion of

the hearing, and the final hearing on the merits will be kept open until the final brief is received.

12. Reopening of Final Hearing on the Merits

The final hearing may be reopened on the Arbitrator's initiative, or upon application of a Party, before the Award is made.

13. Final Award

The Arbitrator will issue the Final Award within thirty days of the closing of the final hearing on the merits or the submission of the final post-hearing brief, unless a shorter period is required by the arbitration agreement. If the arbitration panel consists of more than one Arbitrator, the Final Award must be agreed to by a majority of the Arbitrators. The Final Award shall take the form specified in the arbitration agreement. If the arbitration agreement does not specify the form of the Final Award, the Final Award shall take the form agreed to by the Parties or determined by the Arbitrator. The Final Award shall assess the Arbitrator's fees, expenses, and compensation and the costs of the proceeding, and grant such further relief as the Arbitrator deems appropriate, subject to limitations in the arbitration agreement.

14. Modification of Final Award

Within fourteen days of the transmittal of the Final Award, a Party, upon notice to the other Party, may apply to the Arbitrator to correct any clerical, typographical, or computational errors in the Award. The Arbitrator is not empowered to reconsider the substantive merits of any Claim already decided. The other Party shall file a response within seven days of the service of such an application. The Arbitrator will rule upon the application within fourteen days of service of the response.

15. Independent Experts

The Arbitrator may retain such experts as he deems necessary and appropriate to assist him in the efficient and correct disposition of the Claims, Counterclaims, and Defenses of the Parties. Opinions and reports provided by the expert shall be provided to the Parties for their review and comment, and the expert will be made available to the Parties for examination. The expert fee may be taxed as a cost in the Final Award.

16. Postponements

The Arbitrator may postpone any hearing upon agreement of the Parties, upon request of a Party for good cause shown, or upon the Arbitrator's own initiative.

17. Times

The times in these Rules are not jurisdictional and may be extended at the discretion of the Arbitrator. Should any date fall on a weekend or holiday, that due date shall be continued to the next business day. With the consent of the Arbitrator, the Parties may modify by agreement any period specified in these Rules.

18. Service of Papers

Unless otherwise ordered by the Arbitrator, all papers, documents, and materials served by one party upon another shall be filed with the Arbitrator at the same time they are served. Filing with the Arbitrator may be made by email or by electronic file transfer.

19. Communication with Arbitrator

No Party shall communicate ex parte with the Arbitrator on any substantive issue. Copies of all communications with the Arbitrator shall be served upon the opposing Party.

20. Confidentiality

All pleadings, motions, discovery responses, letters, orders, Final Awards, and other papers served, exchanged, filed, or issued in this Arbitration, and all conferences, hearings, and other proceedings conducted in this Arbitration, shall be confidential and shall not be disclosed other than in Court proceedings relating to this Arbitration or the Final Award.

21. Subsequent Proceedings

No Party may call the Arbitrator as a witness in any subsequent proceedings relating in any way to an arbitration conducted pursuant to these Rules.

22. Modification of These Rules

The Parties may modify these Rules by agreement at any time prior to the Case Management Conference. Thereafter they may be modified only by consent of the Parties and Order of the Arbitrator.

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