ARBITRATION SCHEDULING ORDER

AND

REPORT OF PRELIMINARY HEARING

#1

Case Number 0000

AMERICAN HEALTH LAW ASSOCIATION

Report of Preliminary Hearing and Scheduling Order #1

In the Matter of the Arbitration between:

Claim Number 0000

Date \_\_\_\_\_

A Hearing via teleconference was held today, \_\_\_\_\_\_, before the arbitrator Jane Brown. Steve R. Smith, Esq. appeared for claimant. Andrew Jones, Esq., appeared for respondent.

Based on the discussion at the hearing, the following order is made regarding the conduct of this arbitration.

1. The Parties.  
 The parties are identified in the caption.

2. Counsel.

The parties are represented as follows:  
For Claimant: Steve R. Smith, Esq.

For Respondent:  
Andrew Jones, Esq.

3. Arbitrator.

Jane L. Brown, Esq.

4. Disclosures.

The parties acknowledged that each had received the written disclosure of the Arbitrator provided to them by the American Health Law Association (“AHLA”). No party is aware of any matters that should be brought to the attention of the Arbitrator that might require additional disclosure or that might lead to disqualification of the Arbitrator.

5.Agreement to Arbitrate.

The arbitration is being held pursuant to the arbitration clause contained in the

­­­­\_\_\_\_\_\_\_Agreement ("Agreement") between

6.Applicable Law and Rules.

The substantive law of \_\_\_\_\_\_\_ applies in this arbitration as provided in the Agreement. The arbitration shall be conducted in accordance with the Rules of the AHLA.

7. Pleadings.

A. Claimant’s Demand for Arbitration was filed on , alleging breach of contract, and as a result of Respondent’s alleged breach of the Agreement, Claimant seeks damages in the amount of, plus interest.

B. Respondent has not filed an Answering Statement and may file such Statement on or before .

C. The Parties agreed that the Arbitrator’s and the AHLA’s costs shall be borne by the losing party. Each side will be responsible for their own legal fees.

8. Exchange of Information.

Discovery.

The following schedule has been agreed to by the Parties:

Documents:

00/00/0000 Parties will exchange Document Requests.

00/00/0000 Documents produced, except those documents which have been withheld as privileged. Documents not exchanged pursuant to this order may be excluded from evidence at the Hearing on objection.

00/00/0000Parties will exchange Supplemental Document Requests.

00/00/0000 Supplemental Documents produced, except those documents which have been withheld as privileged. Documents not exchanged pursuant to this order may be excluded from evidence at the Hearing on objection.

Non-Expert Witnesses:

00/00/0000 Each Party shall serve and file a preliminary list of relevant non-expert witnesses reasonably expected to be called by such party, and a short summary of anticipated testimony, and shall state the full name and employment, as applicable, and relation to the disclosing party. The disclosure shall state the manner in which each witness is expected to testify (in-person, telephonically, by deposition, affidavit, videoconference, etc.)

00/00/0000 Each Party shall serve and file a final list of relevant non-expert witnesses reasonably expected to be called by such party, and a short summary of anticipated testimony, and shall state the full name and employment, as applicable, and relation to the disclosing party. The disclosure shall state the manner in which each witness is expected to testify (in-person, telephonically, by deposition, affidavit, videoconference, etc.)

00/00/0000 Both parties agreed that each side may take up to 2 depositions. The depositions will be completed by \_\_\_\_\_\_\_\_\_.

Expert Witnesses.

00/00/0000 Each Party shall serve and file a list of designated expert witnesses and include copies of their curriculum vitae and copies of their reports or summaries of their expected testimony.

Depositions.

00/00/0000 The Parties shall designate expert witnesses.

Designation of expert witnesses shall include copies of their curriculum vitae and copies of their reports and summaries of their expected testimony.

00/00/0000Experts’ reports due. Counsel have a duty to exchange expert reports. This obligation shall remain in effect up to and including the hearing dates.

00/00/0000 Experts’ depositions completed.

9. Further Preliminary Hearings.

Two further telephonic preliminary hearings will be held sat \_\_\_\_am on 00/00/0000, and 00/00/0000**.**  Status of the case will be discussed at these hearings. The call-in number and code for each telephonic conference is: Telephone: Code:

10. Dispositive Motions

A. Prior to the filing of Dispositive Motions a party must file**,** a short statement with the Arbitrator, on or before00/00/0000**,** stating the basis for the Motion and provide sufficient information to indicate that the Motion will succeed. Upon approval by the Arbitrator the schedule shown below will be applicable. The Arbitrator will issue a decision no later than00/00/0000**.**

B. If approved, the parties may file motions no later than00/00/0000**.**

B**.** Opposition Briefs may be filed no later than 00/00/0000**.**

C.Rebuttal Briefs, may be filed no later than 00/00/0000 and are limited to 10 pages, double-spaced.

D. A teleconference is scheduled for 00/00/0000 at 0:00AM, to hear argument on the Motions.

E. The Arbitrator’s decision will be issued by00/00/0000.

11. Subpoenas

The parties may request that the arbitrator issue subpoenas. In such event the arbitrator will give opposing counsel 3 business days from the date of the request in order to object to the issuance. The arbitrator will rule on any objections.

12. Evidentiary Exhibits.

On or before00/00/0000**,** the parties shall exchange exhibits. The Parties shall meet and confer and endeavor to agree on a single set of exhibits which shall be identified as JT starting with number 1. Claimant’s exhibits shall be numbered and tabbed from #1 to #100, Respondent’s #100 to #200. Sets of exhibits shall be made available for the following: One for the Arbitrator, one set for the witnesses and set or sets for opposing counsel. All exhibits will be discarded 30 days after the issuance of the final award unless a party requests, in writing, that the exhibits be retained or returned.

Exhibits shall be delivered to the Arbitrator at the commencement of the Hearing and not before unless the parties agree that a limited number of stipulated exhibits shall be submitted with the pre-Hearing briefs.

Exhibit binders shall not exceed 2 ½ inches in thickness and each binder shall include a complete list of all exhibits.

Objections to evidentiary exhibits shall be heard at the time any such exhibit is used at the Hearing. If an exhibit is used without objection it shall be deemed admitted into evidence. At the conclusion of the Hearing, the parties shall have an opportunity to offer exhibits that shall not have been offered prior thereto.

13. Pre-Hearing Briefs.

Pre-Hearing briefs, with no page limitation shall be exchanged no later than00/00/0000**,** with a copy to the Arbitrator. Pre-Hearing briefs shall include:  
 a) A concise statement of the parties' claims and/or defenses; i.e. the causes of action and affirmative defenses the party intends to pursue and a concise statement of the applicable law and authorities upon which the party relies, with citations to the pertinent pages of each authority.

b) A statement of all relief requested, including the amount of any damages claimed and specifics of any equitable relief sought.

14. Evidentiary Hearing.

The Hearing shall be conducted on00/00/0000, commencing at 0:00 AM at a location to be determined. We will discuss the location of the hearing during a teleconference. The Hearing hours generally shall be 9:00 AM to 5:00 PM but may be varied as necessary to accommodate counsel or witnesses. The Arbitrator has agreed that if the 00/00/0000,hearing date is not needed, she will waive the cancellation fee. If the matter is disposed of by a ruling on either of the Parties’ Motions for Summary Judgment, the Arbitrator has agreed to waive his cancellation fees.

15. Final Argument and Closing Briefs.

Before or during the Hearing, the Arbitrator will discuss with the parties the preferred sequence of final argument and if they intend to file closing briefs.

17. Additional Preliminary Hearings.

Either party may request a preliminary Hearing at any time by emailing the Arbitrator, with a copy to opposing counsel, and stating the reason for the request.

18. Schedule Changes.

The parties may change scheduling by agreement, with notice to the Arbitrator. However, change in filing or Hearing dates must be approved in advance by the Arbitrator upon written request made a reasonable time in advance.

19. Deadlines.

Absent approved changes, all deadlines provided for herein will be strictly enforced except to the extent modified or excused for good cause shown.

20. Disclosure Obligation

Counsel are reminded of their continuing obligation, and that of their clients, to immediately disclose any fact of which they become aware during this arbitration that could reasonably lead to the disqualification of the arbitrator.

21. Cancellation Policy.

The parties are reminded that the Arbitrator provides for cancellation penalties in his compensation policies.

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Jane L. Brown  
Arbitrator

Calendar of Events and Due Dates

August 14, Parties exchange Document Requests.

September 15 Documents produced.

September 21 Parties exchange Supplemental Document Requests.

September 25 Supplemental Documents produced.

October 5 Last day for Physician to file Answering Statement

October 20 Last day to designate expert witnesses

November 21 Last day to complete non-expert deposition

November 30 Teleconference at 10:00AM.

January 8 Each Party shall serve and file a preliminary list of relevant non-expert witnesses.

January 22 Last day to file a short statement with the Arbitrator prior to the filing of Dispositive Motions a party

January 27 Arbitrator’s decision on request to file Dispositive Motions

January 29 Last day to file experts’ reports

February 8 Last day to file Dispositive Motions.

February 29 Last day to file Opposition Briefs to Dispositive Motion.

March 7 Last day to file Rebuttal to Opposition Briefs to Dispositive Motion.

March 14 Teleconference at 10:00AM to hear oral argument.

March 15 Experts’ depositions completed.

March 18 Arbitrator’s decision on Dispositive Motions filed.

March 21 Last day to file Pre-Hearing briefs.

March 25 Each Party shall serve and file a final list of relevant non-expert witnesses

March 28 Last day for parties to exchange exhibits.

April 11-14 Evidentiary hearings start at 9:00AM at a location to be determined.