

## Potentially Relevant Rules & Guide

REINSURANCE ASSOCIATION OF AMERICA--Insurance and Reinsurance Dispute Resolution Task Force (2009)

### Procedures For The Resolution Of U.S. Insurance and Reinsurance Disputes

#### 13. SUMMARY DISPOSITION AND EX PARTE HEARING

- 13.1 The Panel may hear and decide a motion for summary disposition of a particular claim or issue, either by agreement of all parties or at the request of one Party, provided the other interested Party has reasonable notice and opportunity to respond to such request.

*Note to 13.1: By authorizing the Panel to grant summary disposition, the Parties using these Procedures do not intend to waive their rights under the Federal Arbitration Act to contest the appropriateness of such an action, where such rights have been reserved.*

- 13.2 If a Party has failed to participate in the pre-hearing proceedings and the Panel reasonably believes that the Party will not participate in the hearing, the Panel may proceed with the hearing on an ex parte basis or may dispose of some or all issues pursuant to ¶13.1. The non-participating Party shall be provided with notice thirty (30) days prior to the hearing or disposition pursuant to ¶13.1.

ARIAS U.S. (2004)

### Practical Guide to Reinsurance Arbitration Procedure

#### 6.3 STREAMLINED HEARING:

The Panel should consider whether a streamlined procedure would serve the parties' best interests: for example, submission of the dispute to the Panel on the briefs alone or with briefs and oral argument, but no live testimony. It may be feasible in some instances to hold a telephonic Organizational Meeting, followed by the exchange of relevant files, followed by a hearing (attended by counsel and the lead representative of each party) at which the Panel attempts to resolve the matter; and if it cannot, the process so narrows the issues for discovery and briefing that no further evidentiary hearing is required.

ARIAS U.S. (2016)

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*Note to 13.1: By authorizing the Panel to grant summary disposition, the Parties using these Rules do not intend to waive their rights under the Federal Arbitration Act or any other applicable law to contest the appropriateness of such an action, where such rights have been reserved.*

- 13.2 If a Party has failed to participate in the pre-hearing proceedings and the Panel reasonably believes that the Party will not participate in the hearing, the Panel may proceed with the hearing on an ex parte basis or may dispose of some or all issues pursuant to ¶13.1. The non-participating Party shall be provided with notice thirty (30) days prior to the hearing or disposition pursuant to ¶13.1.

AMERICAN ARBITRATION ASSOCIATION (2013)

## **Commercial Arbitration Rules and Mediation Procedures**

### **R-33 DISPOSITIVE MOTIONS:**

The arbitrator may allow the filing of and make rulings upon a dispositive motion only if the arbitrator determines that the moving party has shown that the motion is likely to succeed and dispose of or narrow the issues in the case.