

TO: Merrill, Chase and Morgan [Counsel for Petitioner Mega]
Alexander, Solon and Pindar [Counsel for Respondent - MTIL]

CC: John Doe, Esq. [Arbitrator appointed by Mega]
Jane Roe, Esq. [Arbitrator appointed by MTIL]

FROM: Isaac M. Fair, Esq., Umpire

DATE: September 12, 2017

RE: In the Matter of the Arbitration between Mega Insurance Co. ("Mega")
and Mass Transit Insurance Ltd. ("MTIL")

Dear Counsel:

Once again, I look forward to working with you, your colleagues and Mr. Doe and Ms. Roe to resolve this matter in a fair and efficient manner.

ORGANIZATION MEETING DATE/TIME/LOCATION

We have agreed to hold the organization meeting at 10:00 AM on Tuesday, September 12, 2017 in Metropolis, PA. (please confirm the agreed address). I look forward to seeing you all then. Counsel are asked to ensure a court reporter is available at the organization meeting.

ARBITRATION DEMAND AND CONTRACT(S) AT ISSUE

Will counsel please send a copy of the initial arbitration demand, any counter-demand, and a copy of the contract(s) at issue to the panel members? Thank you.

POSITION STATEMENTS

The parties are asked to submit (by email to each Panel member, with a copy to opposing Counsel) a brief Position Statement by close of business on Tuesday, September 5, 2017 to give the Panel ample time to review before the organization meeting. The Position Statements should identify the facts, issues, contracts, claims (including the specific relief sought), and counterclaims (including any defenses to the tendered claims, to the extent known) involved with this dispute. At this time, legal arguments and case authorities are neither wanted nor welcomed. The parties will have ample opportunity to present their cases later during these proceedings.

PROPOSED ORGANIZATION MEETING AGENDA

An agenda for the organization meeting is set forth below. As Counsel will note, they are expected to meet and confer prior to the organization meeting to address several of the agenda items. Specifically, please report back as soon as possible with respect to any agreement reached among counsel as to the length of time required for the merits hearing, as well as some proposed dates when you believe the case will be ready for hearing. In addition, please advise the Panel as soon as possible of any proposed amendments to the agenda.

- 1) Introductions and identification of all present.
- 2) Disclosures by Panel members (of all professional and personal relationships with the Panel members, counsel, the parties and their representatives).
- 3) Stipulation that the Panel is properly constituted and/or any objections are waived.
- 4) Discussion/execution of a Hold Harmless Agreement (Counsel may utilize the ARIAS●US form, but must alert the Panel to any changes thereto. The Panel expects that such agreement will be executed at the organization meeting, so please have signature copies available.)
- 5) Discussion/execution of a Confidentiality Agreement (The Panel assumes that Counsel will utilize the ARIAS●US sample confidentiality form and prepare the agreement for execution at the organization meeting. If there is disagreement over the terms of a confidentiality agreement, please identify and discuss the issues in the Position Statements.)
- 6) Discussion regarding *ex parte* communications and the protocol for submission of motions and briefs. (Counsel should discuss these procedural items during the meet and confer session in an attempt to agree on these matters in advance of the organization meeting. Also, at this point of the meeting the Panel will set forth its preferences for receiving documents, briefs, etc.)
- 7) Counsel will be provided a brief opportunity to discuss the dispute, if necessary, to the extent a response to the Position Statements may be helpful to the Panel. A recitation of the Position Statements is not necessary.
- 8) Discussion of any anticipated discovery issues, including, to the extent known, the need for third party discovery or expert witnesses.
- 9) Development of arbitration schedule. (As part of the meet and confer session, Counsel are asked to discuss and, to the extent possible, agree on an arbitration schedule. To the extent there are any differences as to the proposed schedule; those differences should be addressed in the Position Statements).

10) Discussion of a reasoned or final award. (If there is a disagreement over the need for a reasoned award, those differences should be addressed in the Position Statements).

11) Discussion of administrative or any other matters to come before the Panel.

If there are any questions or comments, or if I missed anything, please let the Panel and each other know as soon as possible. I look forward to seeing you all in Metropolis on September 12.

Very truly yours,

I. M. Fair, Esq.
Umpire