



ARIAS U.S. SAMPLE FORM 4.1: SCHEDULING ORDER

In the Matter of the Arbitration Between

)	
)	
)	
)	
)	<i>Before:</i>
- and -)	Umpire:
)	Arbitrator:
)	Arbitrator:
)	
)	
Respondent.)	

COMPREHENSIVE ARBITRATION SCHEDULING ORDER [1]

Having first considered the parties' initial written submissions and their comments and arguments at the Organizational Meeting, the Panel adopts the following schedule for the captioned arbitration:

Production of Documents	
Date I	The parties will exchange with each other [and send to the Panel] any [supplemental] requests for relevant documents.

I THIS COMPREHENSIVE ARBITRATION SCHEDULING ORDER IS INTENDED TO BE A TEMPLATE AND NOT A MANDATED FORM TO BE USED IN ALL REINSURANCE ARBITRATIONS. THE PARTIES MAY AND SHOULD CONSIDER AMENDING THE PROVISIONS OF THIS TEMPLATE AS NECESSARY.

Date II	The parties will exchange with each other [and send to the Panel] objections, and the bases therefore, to the other party's document requests.
Date II	Each party will make available for inspection and copying all documents responsive to the other party's request to which no objection or privilege claim has been made.
Date IIa	<p>Any party that withholds responsive documents on claims of a privilege, protection of work product materials or other basis of confidentiality, shall by this date provide the other party(ies) with a Privilege Log describing the following for each withheld document.</p> <ol style="list-style-type: none"> 1. production number (if any); 2. document type; 3. date(s); 4. author(s); 5. recipient(s) (including carbon copies and blind copies, if any); 6. general subject matter of document(s); and 7. basis for withholding document(s). <p>If a party produces a redacted document, the redaction must be clearly labeled, and a description of that redaction should be included in the Privilege Log.</p>
Date III	<p>Each party will advise the Panel of any unresolved disputes regarding the other party's document production. The Panel shall set a schedule to resolve the dispute.</p> <p>The parties, however, should make every effort to resolve any discovery disputes without Panel intervention.</p>
Fact Witnesses	
Date IV	The parties will exchange with each other [and send to the Panel] a preliminary list of fact witnesses each party anticipates calling at the Hearing.
Expert Witnesses	

Date V	The parties will exchange with each other [and send to the Panel] a list of any expert witness(es) each party anticipates calling at the Hearing and [provide an expert report meeting the requirements of Federal Rule of Civil Procedure 26(a)(2)] [disclose the anticipated expert testimony with a written summary of its substance]. [or use Protocol No. 8]
Depositions	
Date VI	Each party will identify individuals it wants to depose. A party may depose any witness on the other party's(ies') witness list(s) and only such other persons as the parties may agree or the Panel may order upon a showing of good cause. A party representative may attend any deposition.
Date VII	The parties will exchange with each other [and send to the Panel] a final list of potential Hearing witnesses, including disclosures of rebuttal expert witnesses, if any. Individuals not identified by this date shall not testify at the Hearing, except as the Panel may order upon a showing of good cause.
Date VIII	Fact witness depositions will be completed, and discovery will be closed, except for expert witness discovery.
Date IX	Expert witness depositions will be completed.
Date X	The parties will exchange with each other [and send to the Panel] a list of Hearing witnesses. This list is a culled version of the witness list provided prior to the deposition period, and is not intended to permit the addition of a previously un-listed witness.
Date XI	This will be the last day for each party to have ex parte contact with Panel Members. [or use Protocol 6].
Briefing on the Merits	
Date XII	The parties will submit Initial Pre-Hearing Briefs to the Panel and each other. The Panel recommends that each party's Initial Pre-Hearing Brief should not exceed ____ pages (without exhibits). Each party will provide to the Panel and each other copies of exhibits cited in its Brief numbered as they will be at the Hearing.

Date XIII	The parties will submit Reply Pre-Hearing Briefs to the Panel and each other. The Panel recommends that each party's Reply Pre-Hearing Brief should not exceed ____ pages (without exhibits). Each party will provide to the Panel and each other copies of exhibits cited in its Reply Brief numbered as they will be at the Hearing.
Pre-Hearing Matters & Hearing Dates	
Date XIV	A party wishing to present at the Hearing the deposition testimony, rather than live testimony, of a witness for its case-in-chief must provide the other party(ies) and the Panel with the transcript page and line numbers of such deposition testimony. Only the transcript page and line numbers identified by a party on this date will be permitted in that party's case-in-chief at the Hearing.
Date XV	The parties will exchange with each other [and send to the Panel] copies of all exhibits to be offered into evidence at the Hearing that have not been previously exchanged.
Date XVI	The Hearing will be held in _____ (City) _____ (State), which shall be deemed the place of the arbitration unless otherwise specified by further order of this Panel. [Unless they are party representatives or expert witnesses, persons who will testify at the Hearing may not attend the Hearing until the time for their testimony.] [As to dates above which provide for service of written materials, the parties shall serve letters and briefs (without exhibits or appendices) electronically on the specified date, with hard copies sent out on that date by overnight mail to be accompanied by exhibits and appendices. – Or use Protocol No. 5]

The Panel further approves and adopts the following:

CASE PROTOCOLS

1. Amendments of Schedule. If the parties cannot agree on any proposed amendments to the foregoing schedule, the party seeking an amendment may file a motion with the Panel. The Panel will only change the schedule for good cause shown.

2. Motions. The Parties must meet and confer prior to filing any motion with the Panel and attempt to resolve their differences on a consensual basis prior to seeking relief from the Panel. If a motion is filed, the party opposing the motion shall file its opposition papers within seven (7) business days of the moving party's email of its motion papers, and the moving

party shall file any reply submission within five (5) business days, absent special scheduling arrangements approved by the Panel. Any request for leave to submit a sur-reply is due within three (3) business days of receipt of a reply submission. A sur-reply shall not be attached to any motion requesting leave. If leave to file a sur-reply is granted, the sur-reply will be due three (3) business days after such leave is granted unless otherwise ordered by the Panel.

3. Dispositive Motions. The Parties agree that either Party may submit a dispositive motion at any time that the Party believes is appropriate for final disposition of a claim or defense. The Parties shall agree on an appropriate briefing schedule for said motion. If the Parties cannot agree on a schedule, the Panel shall set a schedule after receiving correspondence via email from the Parties addressing that issue.

4. Status Reports. The Parties shall make joint written progress reports via email to the Panel on the following dates: _____, _____, _____ and _____. Such reports shall be jointly submitted by the Parties, unless the Parties cannot agree on the contents of the report, in which case each Party may submit its own report.

5. Form of Papers. Any communications to the Panels of ten (10) pages or fewer may be made via e-mail only; communications of greater than ten (10) pages shall also be conveyed in hard copy to opposing counsel and the Panel.

6. Ex Parte Communications. All *ex parte* communications with party arbitrators shall cease upon the filing of the Parties' pre-hearing briefs. *Ex parte* communications with respect to any specific issue raised in a motion shall cease for any party following the filing of that party's first brief on the motion.

7. Depositions/Form. Either party may elect to videotape any deposition, regardless of who notices the deposition, but a party must notify the other party of its intent to videotape a deposition at least two (2) days before the deposition. Nothing in this paragraph is intended to preclude any party's right to seek relief from the Panel if they believe that such videotaping is being requested for any improper purpose.

8. Expert Reports. Any expert report will include at a minimum: (a) a complete statement of all opinions the witness will express and the basis and reasons for them; (b) the data or other information considered by the witness in forming them; (c) the witness's qualifications, including a list of all publications authored in the previous ten (10) years; (d) a list of all cases in which the witness testified as an expert at trial or by deposition in the last four (4) years (if any case(s) are subject to confidentiality agreements, a statement of the subject matter of the expert work will suffice); and (e) a statement of the hourly rate to be paid for the study and testimony in the Arbitration.

9. Exhibits. Exhibits will be numbered consecutively in depositions. The same exhibit numbers will be used in pre-hearing briefs and at the hearing. Prior to the hearing, each Panel member will be provided with a flash drive or other similar electronic storage media which will contain copies of all exhibits, as well as hard copies of all exhibits if requested.

10. Cyber Protections. The Parties have agreed to adopt the following measures to protect the data and case information exchanged in this proceeding from cyber breaches [insert encryption procedures or web-based portal for secure exchange of information].

MEMBERS OF THE PANEL:

Arbitrator: _____

Arbitrator: _____

Umpire: _____

Dated: _____