

2. The parties agree to these remote proceedings in lieu of an in-person arbitration hearing and waive any objections to the arbitration hearing occurring using remote proceedings. The Panel members are to consider the evidence and sworn testimony that is presented through the remote proceedings as if it were presented in the presence of the Panel.

3. The Parties agree to use [Court Reporter, Inc.] for court reporting services. The remote hearing shall be recorded by stenographic means, but given the COVID-19 pandemic, the court reporter will not be physically present with the witness who is testifying, counsel, the parties, or the Panel members. The Parties agree that the court reporter shall be permitted to administer the oath to the witness via the videoconference. The Parties agree not to challenge the validity of any oath administered by the court reporter in any forum, even if the court reporter is not a notary public in the state where the deponent resides.

4. The court reporter will stenographically record the testimony, and the court reporter's transcript shall constitute the official record.

5. The Parties agree that participants including the Panel members, court reporter, and witnesses will each participate in the videoconference remotely and separately. Counsel for the Parties and their respective Party Representatives may participate together in a room but must be separate and remote from all other participants (i.e., the witnesses, Panel members, and court reporter). Each person attending the hearing shall be visible to all other participants, their statements shall be audible to all participants, and they should each strive to ensure their environment is free from noise and distractions. During the examination of witnesses, attorneys and Party Representatives not examining the witness may be present in the room but not visible on the videoconference so as to limit the number of participants displayed on the screen at any

one time.

6. No counsel, witness, or other participant in the remote hearing shall initiate a private conference or any communications, including but not limited to through text message, electronic mail, or the chat feature in the videoconferencing system, with any witness once the witness begins testifying.

7. At the start of the testimony of each witness, after being put under oath by the stenographer, counsel examining the witness (“Examining Counsel”) shall instruct the witness and the witness shall confirm his/her understanding that (a) he or she may not communicate with anyone during the examination other than counsel or the court reporter or the arbitration panel, (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by Examining Counsel, and (c) he or she is not to use any other devices during the hearing other than his or her phone for dialing into the audio proceedings for the hearing and his or her computer for connecting to the video proceedings for the hearing. The witness shall confirm that the witness is alone by using his or her camera to scan the room before and after offering his or her testimony. This fact shall be made of record during the proceedings.

8. The Parties agree to work collaboratively and in good faith to test and assess each witness’s technological abilities and to troubleshoot any issues at least 48 hours in advance of the witness testifying so any adjustments can be made. The Parties also agree to work collaboratively to address and troubleshoot technological issues that arise during the hearing and make such provisions as are reasonable under the circumstances to address such issues. This provision shall not be interpreted to compel any Party to proceed with the hearing where the

witness cannot hear or understand the other participants or where the participants cannot hear or understand the witness. If there is a technological issue that prevents the hearing from proceeding, the Parties agree to work collaboratively and in good faith to adjourn and then reconvene the hearing after the technological issues are resolved.

9. Every party, counsel, and witness shall endeavor to have technology sufficient to appear for the hearing via the videoconference (e.g., a webcam and computer and telephone audio), and bandwidth sufficient to sustain the remote hearing. Counsel for each witness/party shall consult with the witness prior to the hearing to ensure the witness has the required technology. If not, counsel for the party/witness shall endeavor to supply the required technology to the witness prior to the hearing. In the case of non-party witnesses (including former employees), counsel representing the witness shall supply any necessary technology that the witness does not have.

10. All hearing exhibits will be provided to the Panel members according to their individual preferences prior to the start of the hearing.

11. The Parties have agreed to a set of Joint Exhibits which have been provided to the Panel Members. The Parties further agree to an exchange of additional final hearing exhibits and exhibit lists on [DATE] with a supplemental exchange of any other additional final hearing exhibits on [DATE].

12. The Parties agree that the following methods for administering exhibits will be employed during as to the witnesses:

a. Each Examining Counsel (for both direct and cross examinations) will

send, via FedEx or UPS, physical copies of documents that may be used during the examination (“Potential Examination Exhibits”) to the witness’ home address as provided by the witness’ Counsel. Counsel shall exchange with each other the appropriate tracking information for the package. The Potential Examination Exhibits shall be delivered to the witness no later than 12:00 pm ET one (1) day before the witness is expected to testify. The witness shall keep the package sealed until their testimony begins and shall only unseal the package on the record, on video, and during the hearing when directed to do so by the Examining Counsel.

b. Each Examining Counsel shall send a compressed, password protected .zip file of the Potential Examination Exhibits via electronic mail to All Other Counsel and the court reporter no later than 12:00 pm ET one (1) day before the witness testifies. Examining Counsel shall provide the .zip file password via electronic email to All Other Counsel and the court reporter no later than thirty (30) minutes prior to the commencement of the witness testifying. Every recipient of a .zip file, shall not open the .zip file until the witness begins to testify and when directed to do so by Examining Counsel, except as detailed below in paragraph 16(c). All Other Counsel shall confirm on the record that he or she did not open the .zip file prior to the witness testifying. If sending documents by electronic mail, Examining Counsel will be mindful of the file size limitations, which presumptively should be less than 50 MB.

c. If All Other Counsel want to have a copy of the Potential Examination Exhibits in the .zip file printed for them for use during the witness examination, such counsel shall provide to Examining Counsel the email address of an assistant or paralegal at his or her firm who will coordinate printing physical copies of the Potential Examination Exhibits and placing them in a sealed package. Such documents and the password to open the .zip file shall be delivered to the designated assistant or paralegal via email no later than 12:00 pm ET one (1)

day before the witness testifies. All Other Counsel must confirm on the record at the start of the witness's examination that he or she has not reviewed the electronic or physical copies of the exhibits prior to the witness testifying.

13. The parties recognize that from time to time there may be a need to introduce and use additional exhibits that were not sent prior to the Potential Examination Exhibit Deadline for the witness and counsel receiving exhibits. The parties acknowledge the practice outlined in this Stipulation is the agreed upon procedure for the administration of exhibits prior to a witness's examination and will keep the use of any additional exhibits limited. If counsel needs to use an exhibit not sent to counsel and the witness prior to the witness testifying, he or she will need to email that exhibit to counsel and the counsel during the hearing and prior to marking it and introducing it through the remote videoconference platform.

14. The Parties agree that all demonstrative exhibits will be exchanged by 5:00 p.m. ET the day before using the demonstrative exhibit with a witness.

Dated:

SO ORDERED:

, Umpire

, Arbitrator

, Arbitrator

Stipulated to:

COUNSEL FOR CLAIMANT

COUNSEL FOR RESPONDENT