



BAY Mediation & Arbitration Services, LLC

Preliminary Hearing Scheduling Order # _____, Case # _____

REPORT OF PRELIMINARY HEARING AND SCHEDULING ORDER

Pursuant to the agreed upon Arbitration Rules, a preliminary hearing was held on _____ before Arbitrator(s) _____.

Appearing at the hearing were:

_____.

By Agreement of the parties and Order of the Arbitrator(s), the following is now in effect:

1. An additional preliminary hearing shall be held (check one):

At _____ on _____ at _____m. before the Arbitrator(s), or if needed, by mutual agreement later.

2. Pursuant to the direction of the Arbitrator(s), all parties shall amend/specify claims and/or counterclaims (monetary amounts) and file any motion to join additional parties by _____.

3. The parties shall file a stipulation of uncontested facts by _____.

4. (a) Pursuant to the direction of the Arbitrator(s), claimant(s) shall serve and file a disclosure of all witnesses reasonably expected to be called by the claimant(s) on or before _____.

(b) Pursuant to the direction of the Arbitrator(s), respondent(s) shall serve and file a disclosure of all witnesses reasonably expected to be called by the respondent(s) on or before _____.

(c) The disclosure of witnesses shall include the full name of each witness, a short summary of anticipated testimony, copies of any experts reports, and written CV of experts. If certain required information is not available, the disclosures shall so state. Each party shall be responsible for updating its disclosures as such information becomes available. The duty to update this information continues up to and including the date that hearing(s) in this matter terminate.

(d) The parties shall make arrangement to schedule the attendance of witnesses so that the case can proceed with all due expedition and without any unnecessary delay.

(e) The party presenting evidence shall give notice to the other party the day before the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

5. (a) Not later than _____, the parties shall exchange copies of (or, when appropriate, make available for inspection) all exhibits to be offered and all schedules, summaries, diagrams and charts to be used at the hearing. Each proposed exhibit shall be pre-marked for identification using the following designations:

PARTY	Exhibit #	to	Exhibit #
_____	_____		_____
_____	_____		_____
_____	_____		_____
_____	_____		_____

(b) The parties shall attempt to agree upon and submit a jointly prepared consolidated and comprehensive set of joint exhibits.

6. Hearings in this matter will commence before the Arbitrator(s) at _____ on _____ at _____.m. The parties estimate that this case will require _____ days of hearing time, inclusive of arguments.
7. Any and all documents to be filed with or submitted to the Arbitrator(s) outside the hearing (a) shall be given to BAY Case Administrator for transmittal to the Arbitrator(s); and (b) COPIES OF SAID DOCUMENTS SHALL ALSO BE SENT SIMULTANEOUSLY TO THE OPPOSING PARTY(S). There shall be *no* direct oral *or* written communication between the parties and the Arbitrator(s), except at oral hearings.
8. On or before _____, each party shall serve and file a prehearing brief on all significant disputed issues, setting forth briefly the party's position and the supporting arguments and authorities.
9. (a) **Form of Award:** (Circle one)
1. Standard Award
 2. Reasoned Award
 3. Findings of fact and conclusion of law
- (b) **Court Reporter:** (Y) (N) _____

(c) **Other:**

10. Pursuant to the direction of the Arbitrator(s), any other preliminary matters not otherwise provided for herein shall be raised by _____.
(date)

11. All deadlines stated herein will be strictly enforced. After such deadline, the parties may not file such motions except with the permission of the Arbitrator(s), good cause having been shown.

12. This Order shall continue in effect unless and until amended by subsequent Order of the Arbitrator.

Dated: _____

Arbitrator's Signature

Arbitrator's Signature

Arbitrator's Signature