



SPECIALIZING IN MEDIATION & ARBITRATION & DISPUTE REVIEW BOARDS

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UMPIRE'S PRE-HEARING ORDER

REVISED 01/01/2010

A pre-hearing conference call was held on _____, 2010. As a result of the pre-hearing conference call, the following rules, procedures and stipulations were agreed upon by the parties and the CDRS Umpire:

1. The date, location and time of the Umpire's hearing, client and legal counsel information and the identification of the Umpire shall be stipulated in the CDRS "Notice of Umpire's Hearing" that will be attached to the final Umpire's Pre-Hearing Order. The date of the hearing shall be _____, 2010.
2. The estimated duration of the hearing is _____ (hours)(days). The hearing will be conducted in accordance with this "Pre-Hearing Order" and the CDRS Arbitration Rules and Procedures, as posted on the CDRS website www.constructiondisputes-cdrs.com.
3. The parties agree to provide CDRS and the opposing party the following:
 - a. A list of the proposed witnesses and experts along with a brief description of their testimony
 - b. A list of requested witnesses and experts to be deposed and the dates, times and location of the scheduled depositions.
 - c. A list of documents and other exhibits to be introduced
 - d. A request for pertinent documents and related information from the other party
 - e. A list of requested subpoenas to be issued
 - f. A copy of the pre-hearing briefs
4. These items listed above shall be produced and provided no later than _____, 2010. Replies to pre-hearing briefs shall be sent to the other party and CDRS within _____ days from the receipt of the pre-hearing briefs. Two copies of all materials shall be supplied to CDRS; one of which shall be forwarded to the Umpire and the other shall remain with CDRS.
5. Exhibits shall be placed in a loose-leaf binder(s) and each exhibit shall be numbered and listed in the table of contents. If there are any items, which will not fit in a loose-leaf binder, such as floor plans, the parties shall reduce the items in size for proper presentation to the parties and the Umpire, if possible.
6. Pre-hearing briefs shall be limited to _____ pages using 12-point type, double-spaced on 8 1/2" x 11" paper.
7. If post-hearing briefs are requested by the Umpire, the length and form of those briefs shall be stipulated by the Umpire at the end of the hearing. The time of the issuance of the Umpire's Awards shall commence upon receipt of the last post-hearing brief received by the Umpire.
8. A party may produce up to _____ witnesses.
9. A party may produce up to _____ experts.
10. A party may depose up to _____ witnesses.
11. A party may depose up to _____ experts.

12. A representative of each party may be present during any scheduled deposition(s).
13. All communications with CDRS and/or the Umpire shall be made through the CDRS case administrator and direct communication with the Umpire shall be kept to a minimum only as approved by the Umpire and/or CDRS.
14. Hearings shall begin at _____ (am) (pm) and will continue until _____ (am) (pm) or until another time as specified or decided on by the Umpire.
15. The Umpire, upon discussions and consultations with the parties and their representatives, shall determine the date, time and location of a continuance of the appraisal hearing if additional hearing time is required.
16. A jobsite visit will take place on _____, 2010 at _____ (am) (pm).
17. If there are any disputes as to any of the above-mentioned items, the parties shall first try to resolve the disputes. Any unresolved disputes shall be referred to the CDRS case administrator who, if necessary, will discuss the dispute(s) with the Umpire for final disposition.
18. There shall be no written record of the hearing unless a party requests a written record and provides a stenographer or court reporter. The other party shall have the right to request a copy of the stenographic record and then shall be responsible to share equally in the expense of the stenographer. A copy of the written record shall be supplied to CDRS at no charge.
19. The Umpire, as required, shall decide upon any administrative or procedural items not covered or stipulated by this "Umpire's Pre-hearing Order".

BY ORDER OF

Umpire _____ date _____

ACKNOWLEDGEMENT BY THE PARTIES

By signing this "Umpire's Pre-hearing Order", the parties acknowledge and accept its terms and conditions:

Claimant _____ date _____

Claimant _____ date _____

Claimant's attorney _____ date _____

Claimant's representative _____ date _____

Respondent _____ date _____

Respondent _____ date _____

Respondent's attorney _____ date _____

Respondent's representative _____ date _____