



CONSTRUCTION DISPUTE RESOLUTION SERVICES, LLC
SPECIALIZING IN MEDIATION & ARBITRATION

3113 Pueblo Sapawe
Santa Fe, NM 87507

New Mexico: 505-473-7733
Fax Phone: 505-474-9061

Out of State: 888-930-0011
Email: cdrs@cdrsllc.com

Website: www.constructiondisputes-cdrs.com

ARBITRATION PRE-HEARING ORDER

A pre-hearing meeting was held on _____, 200__. As a result of the pre-hearing meeting, the following rules, procedures and stipulations were agreed upon by the parties and the CDRS arbitrator(s):

1. The date, location and time of the arbitration hearing, client and legal counsel information and the identification of the arbitrator(s) shall be stipulated in the CDRS "Notice of Arbitration Hearing" that is attached to this Pre-Hearing Agreement.
2. The estimated duration of the hearing is _____ (hours)(days).
3. The arbitration will be conducted according to the Rules and Procedures of Construction Dispute Resolution Services, LLC. and in accordance with the "Pre-Hearing Agreement As to: Arbitrators(s) Powers, Arbitration Rules and Procedures" and the "Agreement to Arbitrate".
4. The parties agree to provide to the arbitrator(s) and to exchange with each other the following, on or before _____, 200__.
 - a. A statement of the uncontested facts, claims and issues
 - b. A statement of the contested facts, claims and issues
 - c. A list of the proposed witnesses and experts along with a brief description of their testimony
 - d. A list of requested witnesses and experts to be deposed and the dates, times and location of the scheduled depositions.
 - e. A list of documents and other exhibits to be introduced
 - f. A request for pertinent documents and related information from the other party
 - g. A list of requested subpoenas to be issued
 - h. A copy of the pre-hearing briefs
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 arbitrator, 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 arbitrator(s), the length and form of those briefs shall be stipulated by the arbitrator(s) at the end of the arbitration hearing(s).
8. Replies to pre-hearing briefs shall be sent to the other party and the arbitrator(s) within _____ days from the receipt of the pre-hearing briefs.
9. A party may produce up to _____ witnesses.
10. A party may produce up to _____ experts.
11. A party may depose up to _____ witnesses.

12. A party may depose up to _____ experts.
13. A representative of each party may be present during any scheduled deposition(s).
14. All communications with CDRS and its arbitrator(s) shall be made through the CDRS case administrator and at no time will either party or their representatives directly communicate with the arbitrator(s).
15. Hearings shall begin at _____ (am) (pm) and will continue until _____ (am) (pm) or until another time as specified or decided on by the arbitrator(s).
16. The arbitrator(s) shall determine the date, time and location of a continuance of the arbitration hearing if additional hearing time is required.
17. A jobsite visit will take place on _____, 200__ at _____ (am) (pm).
18. 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 disputes with the arbitrator(s) for final disposition.
19. There shall be no written record of the hearing unless a party requests a written record and provides a stenographer. 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 the arbitrator(s) at no charge.
20. The arbitrator(s) as required, shall decide upon any items not covered or stipulated by this "Pre-hearing Order".

BY ORDER OF

Arbitrator _____ date _____

Arbitrator _____ date _____

Arbitrator _____ date _____

ACKNOWLEDGEMENT BY THE PARTIES

By signing this "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 _____