

AMERICAN DISPUTE RESOLUTION CENTER, INC.
RULES OF *FAST-TRAC* MED/ARB™

1. RULES

The Rules set forth herein shall be binding upon the parties to a dispute submitted to *Fast-Trac* Med/Arb™ before the American Dispute Resolution Center, Inc. (hereinafter "ADR Center"), except as the parties may otherwise agree. These Rules may be modified from time to time without notice by ADR Center, however the Rules in effect as of the date of commencement of a *Fast-Trac* Med/Arb shall remain in effect as to that proceedings, unless the parties agree to adopt the modified Rules.

2. PROCEEDINGS

- a. All parties in a dispute shall file a joint written and signed Request for *Fast-Trac* Med/Arb™ with ADR Center. Each party to a *Fast-Trac* Mediation shall pay a filing fee of \$1,000.00 for a one day session, upon submission. Such fee includes the ADR Center filing fee and the mediator/arbitrator's compensation. If any party or parties in the dispute fail to comply with any *Fast-Trac* filing requirements, the Case Manager shall so inform the parties, and the file will be closed.
- b. The Request for *Fast-Trac* Med/Arb shall identify the parties and contain a brief summary of the nature and estimated value of the dispute as well as the issues to be resolved.
- c. ADR Center shall administer and schedule the *Fast-Trac* Mediation session within three (3) to seven (7) business days from the initial filing request, and the parties agree to exercise good faith in cooperating with and responding to scheduling and procedural requests from the Case Manager.
- d. The ADR Center shall assign a single mediator/arbitrator to mediate the dispute. Should that mediator/arbitrator have a conflict of interest or resign, another mediator/arbitrator shall be immediately assigned by ADR Center. Should the parties themselves propose a mediator/arbitrator, that mediator/arbitrator shall be appointed so long as he or she is an active member of ADR Center's panel of *Fast-Trac* mediators/arbitrators and is able to meet the expedited scheduling requirements.

- e. Any party may elect to be represented by legal counsel or by an authorized representative as long as he or she is identified to the Case Manager in the written and signed filing request.
- f. The venue shall be as agreed upon by the parties.
- g. *Fast-Trac* Med/Arb is limited to a maximum of three issues, three parties, and disputes not exceeding \$100,000.00. Participation in the *Fast-Trac* Med/Arb program shall be in the discretion of the ADR Center.
- h. No stenographic or taped record shall be made of the *Fast-Trac* Med/Arb proceedings.
- i. The mediator shall have full authority to conduct the *Fast-Trac* Med/Arb session as he or she sees fit, to request such documents as he or she believes are necessary in assisting the parties in resolving their dispute, in seeking the assistance of experts, at the parties' joint expense, and in terminating the mediation if he or she believes that any further efforts would be without a reasonable likelihood of success. The mediator shall not impose a decision or settlement on the parties but, rather, will seek to assist the parties in reaching a resolution of their dispute. In the event that the mediation session does not produce a settlement of all claims, the mediator shall thereupon commence binding arbitration, and that mediator shall be the arbitrator, and shall render a final award. Although it is intended that the arbitrator will render his or her decision based solely upon information provided in the mediation, the arbitrator may, in his or her discretion, seek additional information through witnesses or documentary evidence. The entire process shall be confidential in all respects.
- j. The *Fast-Trac* Med/Arb process shall be terminated upon the execution of a settlement agreement by the parties or by a decision of the mediator/arbitrator.
- k. Neither ADR Center, its officers, directors, employees or any mediator/arbitrator is a necessary party in any judicial proceeding, nor shall any such person or entity be liable in any way whatsoever to any party, person or entity for any act or omission arising under or in connection with any mediation/arbitration conducted under these Rules.

3. FEES AND COSTS

- a. The parties agree to pay those fees and costs established by ADR Center in effect at the time a case is submitted for *Fast-Trac* Med/Arb.

**AMERICAN DISPUTE RESOLUTION CENTER, INC.
RULES OF *FAST-TRAC* MEDIATION™**

1. RULES

The Rules set forth herein shall be binding upon the parties to a dispute submitted to *Fast-Trac* Mediation™ before the American Dispute Resolution Center, Inc. (hereinafter "ADR Center"), except as the parties may otherwise agree. These Rules may be modified from time to time without notice by ADR Center, however the Rules in effect as of the date of commencement of a *Fast-Trac* Mediation shall remain in effect as to that mediation, unless the parties agree to adopt the modified Rules.

2. PROCEEDINGS

- b. All parties in a dispute shall file a joint written and signed Request for *Fast-Trac* Mediation™ with ADR Center. Each party to a *Fast-Trac* Mediation shall pay a filing fee of \$500.00 for a half-day session or \$1,000.00 for a full day session, upon submission. Such fee includes the ADR Center filing fee and the mediator's compensation. If any party or parties in the dispute fail to comply with any *Fast-Trac* filing requirements, the Case Manager shall so inform the parties, and the file will be closed.
- d. The Request for *Fast-Trac* Mediation shall identify the parties and contain a brief summary of the nature and estimated value of the dispute as well as the issues to be resolved.
- e. ADR Center shall administer and schedule the *Fast-Trac* Mediation session within three (3) to seven (7) business days from the initial filing request, and the parties agree to exercise good faith in cooperating with and responding to scheduling and procedural requests from the Case Manager.
- l. The ADR Center shall assign a single mediator to mediate the dispute. Should that mediator have a conflict of interest or resign, another mediator shall be immediately assigned by ADR Center. Should the parties themselves propose a mediator, that mediator shall be appointed so long as he or she is an active member of ADR Center's panel of *Fast-Trac* mediators and is able to meet the expedited scheduling requirements.
- m. Any party may elect to be represented by legal counsel or by an authorized representative as long as he or she is identified to the Case Manager in the written and signed filing request.

- n. The venue shall be as agreed upon by the parties.
- o. *Fast-Trac* Mediation is limited to a maximum of three issues, three parties, and disputes not exceeding \$100,000.00. Participation in the *Fast-Trac* Mediation program shall be in the discretion of the ADR Center.
- p. No stenographic or taped record shall be made of the *Fast-Trac* Mediation proceedings.
- q. The mediator shall have full authority to conduct the *Fast-Trac* Mediation session as he or she sees fit, to request such documents as he or she believes are necessary in assisting the parties in resolving their dispute, in seeking the assistance of experts, at the parties' joint expense, and in terminating the mediation if he or she believes that any further efforts would be without a reasonable likelihood of success. The mediator shall not impose a decision or settlement on the parties but, rather, will seek to assist the parties in reaching a resolution of their dispute. The entire process shall be confidential in all respects.
- r. The *Fast-Trac* Mediation process shall be terminated either: upon the execution of a settlement agreement by the parties by the declaration of the mediator that further efforts at mediation are not likely to be productive or by the declaration by any party that the mediation sessions are terminated.
- s. Neither ADR Center, its officers, directors, employees or any mediator is a necessary party in any judicial proceeding, nor shall any such person or entity be liable in any way whatsoever to any party, person or entity for any act or omission arising under or in connection with any mediation conducted under these Rules.

3. FEES AND COSTS

- a. The parties agree to pay those fees and costs established by ADR Center in effect at the time a case is submitted for *Fast-Trac* Mediation.