



AMERICAN
ARBITRATION
ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

REPORT OF PRELIMINARY MANAGEMENT HEARING AND SCHEDULING ORDER

Case Number: 01-21-0003-8512

Heather Nye

-vs-

Lambda, Inc.

Pursuant to the Consumer Arbitration Rules of the American Arbitration Association (AAA) a telephonic Preliminary Hearing was held on September 10, 2021 before Arbitrator Hon. Scott Field.

The following attendees participated in the Preliminary Hearing:

For Claimant(s): Philip Andonian, Alexander Elso, and

Maya Weinstein

For Respondent(s): Patrick Hammon

By agreement of the parties and/or by Order of the Arbitrator, the following is now in effect:

1. Hearings:

- a. An **evidentiary hearing** in this matter will commence before the Arbitrator(s) on March 3, 2022, beginning at 9:00 a.m. Central time, with potential for carrying over through March 4, 2022. The format of the hearing, whether in-person, by Zoom, or by a hybrid approach has not yet been determined. Should the case be heard by Zoom, pricing and options are below.

_____ AAA Connect Only (\$95 per hearing date)

_____ AAA Hosted (\$375 Half day/4 hours
(\$750 Full day/8 hours)

_____ Case Administrator to schedule trial run for all case participants (no charge)

For AAA facilitated Zoom hearings, all case participants will be provided a link through the Notice of Hearing.

This is a firm hearing setting, and it will not be changed or continued absent exceptional circumstances, upon a showing of good cause.

2. Claim/Counterclaim (Consumer Rule R-8):

All parties shall amend/specify claims and/or counterclaims by October 1, 2021.

Responses, if any, to new or different claims/counterclaims are due October 15, 2021.

3. **Dispositive Motions** (Consumer Rule R-33):

The Arbitrator may allow the filing of a dispositive motion if the arbitrator determines that the moving party has shown substantial cause that the motion is likely to succeed and dispose of or narrow the issues of the case. Should the parties wish to file a dispositive motion, such a request should be submitted no later than November 19, 2021.

If a Party is granted leave to file a dispositive motion a schedule for submissions will be established.

4. **Written Motions** (Consumer Rule R-24):

The arbitrator may consider a party's request to file a written motion (other than a dispositive motion) only after the parties and the arbitrator conduct a conference call to attempt to resolve the issue that gives rise to the proposed motion. Only after the parties and the arbitrator hold the call may the arbitrator consider a party's request to file a written motion. The arbitrator has the sole discretion to allow or deny the filing of a written motion and his or her decision is final. The parties are urged to meet and confer in good faith prior to requesting a motion be filed.

5. **Exchange of Information** (Consumer Rule R-22):

Not later than October 20, 2021, the parties shall exchange all copies of (or, when appropriate, make available for inspection) all documents it intends to rely on at the hearing, as well as a list of potential witnesses.

No other exchange of information beyond what is provided for in section (a) of R-22 is contemplated under the Consumer Rules, *unless* an arbitrator determines further information exchange is needed to provide for a fundamentally fair process. The arbitrator has authority to resolve any disputes between the parties about exchanging information.

- a. The AAA does not require a copy of the exhibits for our file.
- b. Each party shall bring sufficient copies to the hearing for opposing parties, the Arbitrator, and the witness.
- c. Each proposed exhibit shall be pre-marked for identification using the following designations:

Party	Exhibit #	To Exhibit #
Claimant	C1	C_____
Respondent	R1	R_____
Joint	J1	J_____

- d. The parties shall attempt to agree upon and submit a jointly prepared consolidated and comprehensive set of joint exhibits and number the exhibits with the prefix J. The joint exhibits are due five days before the hearing

6. **Witnesses** (Consumer Rule R-22):

Not later than five days before the hearing, the parties shall serve and file a disclosure of witnesses, including any experts, reasonably expected to be called at the hearing. The disclosure of witnesses shall include the full name of each witness and a short summary of anticipated testimony. If certain required information is not available, the disclosure shall so state.

7. Post-Hearing Submission Regarding Attorneys' Fees and Costs:

The Parties have until five days after the conclusion of the hearing, or another date set by the Arbitrator at the conclusion of the Final Hearing, to file and serve any documentation supporting or evidencing only the amount of attorneys' fees and costs they seek to recover in connection with this arbitration.

The Parties have until ten days after the conclusion of the hearing, or another date set by the Arbitrator at the conclusion of the Final Hearing, to file and serve any documentation supporting or evidencing disputing the amount of attorneys' fees and costs sought in connection with this arbitration.

No other evidence and no legal arguments may be included in the submission, unless requested by the Arbitrator at the conclusion of the Final Hearing.

8. Disclosures of the Arbitrator:

Each party and counsel has a continuing obligation to protect the integrity of the arbitration proceeding by promptly providing the Arbitrator the information necessary to allow him to comply with his ongoing duty of disclosure pursuant to the Code of Ethics for Arbitrators in Commercial Disputes and the American Arbitration Association.

Counsel, for themselves and for each of their clients, acknowledge the continuing obligation to supplement the identification of potential fact and expert witnesses, consulting experts, counsel participation and representation in any capacity, and any other individual or entity interested in the outcome of the arbitration.

Any issues concerning disqualification of the Arbitrator shall be raised promptly with the AAA.

9. Communication:

Communication with the Arbitrator will be conducted via a direct exchange.

All correspondence shall be submitted directly to the Arbitrator and must be sent simultaneously to all other case participants and the AAA. The Arbitrator may communicate in writing with the parties and will send a copy of the communication to the AAA as well. There shall be no direct oral communication between the parties and the Arbitrator, except at oral hearings. Documents and correspondence for the Arbitrator shall be sent to scott.field@butlersnow.com.

10. Award (Consumer Rule R-43):

Any award shall be in writing and executed in the form and manner required by law. The award shall provide the concise written reasons for the decision unless the parties all agree otherwise. The arbitrator shall decide any disagreements over the form of the award.

The award shall be issued no later than 30 calendar days from the date the hearing is declared closed by the arbitrator.

All deadlines stated herein will be strictly enforced and adhered to in order to avoid unnecessary delay and to ensure an expeditious and fair resolution of this matter.

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

9/13/2021

Date

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line and a small flourish.

Hon. Scott Field, Arbitrator