

**VERSION I**

STATE OF MICHIGAN  
COUNTY OF OAKLAND

CASE CAPTION  
\_\_\_\_\_ /

**CONSENT ORDER  
FOR ARBITRATION**

At a session of said Court, held in the City County  
building, City of Pontiac, Oakland County, Michigan  
on \_\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
Circuit Court Judge

The parties, through their counsel, having stipulated to the entry of this Order; and the parties having consented to all of the terms and conditions contained in this Order; and the Court being duly advised in the premises:

**NOW THEREFORE, IT IS HEREBY ORDERED:**

1. All claims, including counter-claims or third-party claims, asserted in this case shall be decided by binding arbitration that shall be conducted by

\_\_\_ a single arbitrator, or

\_\_\_ a panel of 3 arbitrators

in accordance with the terms of this Order and otherwise pursuant to MCR 3.602. If more than one arbitrator is to determine the case, the arbitrators shall select a Chairperson for the panel.

2. All time periods in this order are calendar days. To the extent that a deadline falls on a weekend day or legal holiday, the deadline shall be extended to the next business day.

3. The parties shall agree upon the arbitrator/arbitrators within ten (10) days of the entry of this Order. Should an arbitrator decline their appointment, the parties then shall have seven (7) days from notification to agree upon a substitute arbitrator. Upon motion of any party of the failure of the parties to agree upon an arbitrator within the specified time periods, the Court shall select the arbitrator(s).

4. The single arbitrator or Chairperson shall have the authority to:

- (A) Initiate a scheduling conference and establish a schedule for arbitration proceedings, including the hearing on the merits;
- (B) Conduct pre-hearing conferences;
- (C) Order discovery;
- (D) Resolve discovery disputes and impose sanctions against a party that does not comply with the orders of the Chairperson/single arbitrator; and
- (E) Resolve all pre-hearing motions except as follows. When there is a three (3) person panel, all motions, excluding motions concerning discovery, must be determined by a majority vote of the full panel.

5. Discovery shall be conducted as ordered by the single arbitrator or Chairperson, who shall order discovery that will advance a fair determination of the merits consistent with the efficient and expeditious purposes of arbitration. As for depositions,

\_\_\_ depositions shall be permitted only upon a showing of good cause such as the grounds set forth in MCR 3.602(F)(2), or

\_\_\_\_ depositions of non-party witnesses shall be permitted only upon a showing of good cause as set forth in MCR 3.602(F)(2).

6. The arbitrator(s) is/are not required to strictly follow the Michigan Rules of Evidence. The arbitrator(s) shall exercise discretion in applying evidentiary rules to secure fairness in the hearing, consistent with the expedited purpose of arbitration.

7. The arbitrator(s) shall apply the substantive law that the arbitrator(s) determine(s) to be applicable to the issues in the dispute.

8. The Court shall enter appropriate orders to ensure compliance with the orders of the arbitrator(s) and that the arbitrator(s) receive payment.

9. The parties hereto shall each contribute an equal share of the cost of the arbitration unless otherwise agreed to by the parties in writing or ordered by the arbitrator(s) in the award.

10. The hearing on the merits shall be completed within the time period established by the pre-hearing scheduling conference order unless amended by stipulation of the parties and arbitrator(s). The hearing on the merits, however, shall be completed no later than \_\_\_\_ days of the date of this order, unless the parties stipulate otherwise in writing. The arbitrators shall issue a final determination within fourteen (14) days of the completion of the hearing unless otherwise agreed to in writing by the parties. The determination shall be issued in the form of an award on all claims and counter-claims without a reasoned opinion, unless otherwise stipulated to by all parties.

11. This case shall be administratively stayed pending completion of the arbitration. The Court retains jurisdiction to enforce this Order and to enter a judgment upon the award or order pursuant to MCR 3.602.

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Circuit Court Judge

The parties hereby agree to entering of this order.

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Plaintiff's counsel

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Defendant's counsel

Dated: \_\_\_\_\_, 200\_

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