

VERSION II

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 provided for in this Order falls on a weekend day or a legal holiday, the deadline shall be extended to the next business day.

3. In a one-arbitrator arbitration proceeding, the parties shall agree upon the arbitrator within ten (10) days of the entry of this Order. In the event an arbitrator declines his or her appointment, the parties shall agree upon a substitute arbitrator within seven (7) days of being notified of such declination. In the event the parties are unable to agree upon an arbitrator within the aforesaid time periods, the Court shall forthwith select the arbitrator upon motion filed by a party.

4. In a three-arbitrator proceeding, each of the parties aligned on one side as plaintiffs or defendants shall select one arbitrator within ten (10) days of the entry of this order. The two arbitrators selected by the parties shall confer and select a third arbitrator within ten (10) days of their selection. The third arbitrator shall act as chairperson of the arbitration panel. In the event the arbitrators selected by the parties are unable within ten (10) days of their appointment to agree upon a chairperson arbitrator, the Court shall forthwith select a chairperson arbitrator upon motion filed by a party.

5. 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.

6. The single arbitrator or Chairperson shall only order discovery that will advance a fair determination of the merits of the dispute without undue time and expense. Depositions of non-party witnesses shall be permitted only upon a showing of good cause as set forth in MCR 3.602(F)(2).

7. 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 and to eliminate unjustifiable expense and delay.

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

9. The Court shall enter appropriate orders to ensure compliance with the orders of the arbitrator(s) .

10. 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.

11. 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 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 in favor of one or more parties and on all claims and counter-claims without a reasoned opinion, unless otherwise stipulated to by all parties.

12. 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.

Circuit Court Judge

Approved as to form and substance:

Plaintiff's counsel

Defendant's counsel

Dated: _____, 200_

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