

Preliminary Conference Checklist

Counsel:

In order that our pre-hearing conference may be efficient, I would appreciate it if you could discuss the following questions beforehand and reach agreement on as many preliminary issues as possible prior to our call:

1. Are there any additional pleadings to be filed other than the “Demand for Arbitration and Statement of Claim” and the “Response to Statement of Claim”?
2. Are there any issues as to the arbitrability of the dispute?
3. Please confirm that , in accordance with Paragraph 15 of the Investment Management Agreement (“IMA”), the JAMS Comprehensive Rules are to govern the conduct of the arbitration.
4. Please confirm that, in accordance with Paragraph 18 of the IMA, the substantive laws of the State of New York are applicable to the dispute.
5. Will you require any document disclosure? If so, by what dates should a) document requests be served, b) document responses and objections be served (after a meet and confer), and c) documents be produced. Is any other discovery desired or sought?
6. Will there be expert witnesses? If so, on what topic(s)? When should expert report(s) be submitted?
7. How many hearing days should be scheduled and when?
8. Should we take direct testimony by means of written witness statements? If so, how long before the hearings should witness lists and witness statements be served on each party with copies to the arbitrators?
9. How long before the hearings should exhibits be exchanged?
10. When should objections to the authenticity of exhibits be made? (Objections as to relevancy and the like may be made at the hearings.)
11. Do you wish to submit prehearing memoranda? If so, when and will there be page limitations?
12. Do you agree that the hearings should be transcribed?
13. Do you want a reasoned award?

Shortly after our pre-hearing conference, I will issue a procedural order that will establish the procedures and timetable for this arbitration. I will also schedule another conference call to take place shortly before the start of the hearings. That call will deal with hearing logistics (time division, order of witnesses, advance notice of demonstrative evidence, length of hearing day, special consideration, if any, for witnesses, preferences regarding opening or closing statements, post-hearing briefing and the like).