

PROCEDURAL RULES
FOR
EARLY NEUTRAL EVALUATION

- A. Whenever the parties agree to utilize the Early Neutral Evaluation (ENE) procedures of GlobalMedArb (GMA) to resolve any dispute between them, the following rules shall control the proceeding unless the disputants mutually agree otherwise.
- B. Upon notification of the existence of a dispute from any party to a commercial agreement providing for ENE, a Case Officer subject to replacement for any reason at the request of any party to the proceeding, shall be appointed to assist the participants in the matter.
- C. Following appointment, the Case Officer will notify the Initiating Party to submit pertinent information regarding itself and the Adverse Party or Parties, together with the filing fee, a copy of the commercial agreement containing an ENE clause, and the Initiating Party's position. The Case Officer will then notify the Adverse Party or parties of the initiation of an ENE proceeding, with a request for a response together with a copy of the commercial agreement with an ENE clause and the requisite filing fee.
- D. Upon notice by at least one Adverse Party of its intent to participate in the ENE proceeding together with submission of that party's filing fee, the Case Officer will appoint a Neutral Evaluator with expertise in the area of Alternative Dispute Resolution, providing notice to the participants of such appointment together with an abbreviated résumé. The Neutral Evaluator will be subject to removal without cause at the request of any party within forty-eight (48) hours of notice of his or her appointment. No party to the commercial agreement shall initiate any action for Mediation, Arbitration, or litigation within a period of ten (10) days from the date of appointment of the Neutral Evaluator.
- E. Upon request of any disputant and at their sole expense, a Technical Officer and/or translator will be appointed to assist that party.
- F. GMA shall be responsible for establishing a secured Internet service for communications over the Internet between the participants, Case Officer and the Neutral Evaluator. Any and all such communications shall be maintained in the strictest privacy.

G. Within three (3) days following receipt of the positions of all of the participating parties, the Neutral Evaluator will notify the disputants that in his or her opinion:

- (i) the positions of the parties are so close, or overlapping to such a degree, that they should be able to settle the dispute by themselves or, in the alternative, the Neutral Evaluator upon payment of an additional fee would be agreeable to provide the parties with a suggested settlement agreement;
- (ii) the dispute appears capable of settlement through Mediation and, at the mutual request of the parties, the Neutral Evaluator would be willing to serve as the Mediator, or have the Case Officer appoint some other person to that position; or
- (iii) the parties are too far apart for any negotiated settlement, requiring arbitration or litigation to resolve their dispute.

H. The fee for the Neutral Evaluator together with all other expenses including the services of the Case Office, and cost of communications, shall be determined by the fee schedule for Early Neutral Evaluation on the web page of GMA.

I. All requests by the Case Office for payment of requested and supplemental deposits shall be satisfied prior to any further action in the matter.

J. The Neutral Evaluator may not testify in any subsequent legal or other proceeding involving the subject matter of the dispute except upon consent all of the parties or by judicial order.