

ATTACHMENT 1

ORDER RE VIRTUAL HEARINGS

Given the pandemic currently affecting the world, and the inability to predict exactly when it will abate or when government restrictions on travel and gathering outside of family units in one location in numbers sufficient to conduct hearings will be relaxed, and given that now it is *de rigueur* for courts domestically and abroad, and has been the practice of many arbitration panels and institutions around the world, to provide for hearings other than in person, and given the arbitration rules under which this case is proceeding provide that [INSERT RULES AND LANGUAGE THAT PERMIT OR REQUIRE ARBITRATORS TO CONDUCT EXPEDITIOUS OR VIDEOGRAPHIC OR ONLINE HEARINGS], the Arbitrator hereby orders the following with respect to the hearing scheduled in this matter:

1. The Parties and their representatives shall familiarize themselves with the functioning of Zoom (preferred and supported by the arbitral institution), Bluejeans, or similar online platform as a platform to permit online arbitration hearings.
2. No later ***than thirty (30) days prior to the Phase 1 Hearing***, the Parties shall have met and conferred and filed a joint written report with the Arbitrator confirming selection and use of Zoom or an alternative online platform for the Phase 1 Hearing and how they intend to address all relevant issues, and to the extent they do not agree on an issue they set forth their respective positions thereon. The Parties' report of their meeting and conferring shall address at a minimum the following issues:
 - a. The Parties' proposed timetables to the five minute increment for opening statements, presentation of witnesses, cross examination, and oral closing statements (if any; the Arbitrator prefers written closings but will hear and consider the Parties' views on this), or agreement to a fixed number of minutes per Party to present their entire case including all elements in the prior clause, or agreement to simply divide the entire hearing time equally between the Parties. The Parties are reminded to factor in ten minute breaks, at least once in the morning session and once in the afternoon, and plan on a lunch break of at least thirty minutes and not more than sixty minutes. The Arbitrator is willing to proceed commencing as early as 8am [TIMEZONE] and going as late as 6pm [TIMEZONE] daily.
 - b. Confirmation that all party representatives, counsel and witnesses will have sufficient bandwidth and an appropriate location to participate in the hearing by video using the selected platform.
 - c. Any proposals in respect of maintaining confidentiality of the proceedings.
 - d. Provide their contact information and that of each of their witnesses and party representatives and all counsel, including mobile and if appropriate landline telephone numbers and email addresses, in a listing for both sides to be used in the event of technical issues with the online platform or in an emergency.

- e. Confirmation that Party representatives and counsel have practiced using the selected platform and familiarized themselves with the key elements to present their case so that they can inform their witnesses and others on their side.
 - f. The Parties' proposal(s) for ensuring that all witnesses have before them all documents on which they are to be examined.
 - g. The Parties' proposals for presenting documentary evidence at the hearing.
 - h. The order of witnesses and the time zones at which they testimony is to commence.
 - i. Whether any party representatives or witnesses are requested to be excluded until they testify and their names and proposals for resolving any disputes concerning this issue.
 - j. Whether there are any interpretation or translation issues for witnesses and documents that will have to be addressed in the online presentation of a document or witnesses.
 - k. Any other issues relating to the proceeding on which the parties believe they should be heard or that might affect the presentation of their case.
3. It shall not be good or sufficient cause for postponing the Phase 1 Hearing simply that the hearing would have to be conducted online or that there are restrictions or difficulties for the Parties or a Party (including for their businesses) or their representatives caused generally by the Covid-19 virus. Any request for hearing postponement must demonstrate exceptional and unique cause or issues 1) specific to the Party(ies) seeking the postponement or 2) to the presentation and consideration of the Party's(ies') claims or defenses by the Arbitrator in an online format. The Parties are advised that postponing the hearing solely on the basis of the hearing needing to occur in person will be disfavored absent meeting the above standard.

IT IS SO ORDERED.

DATED: __ ____, 2020.

Arbitrator