



REPORT OF PRELIMINARY MANAGEMENT HEARING AND SCHEDULING ORDER

Case Number: 01-21-0003-8506

Jonathan Stickrod

-vs-

Lambda, Inc.

Pursuant to the Consumer Arbitration Rules of the American Arbitration Association (AAA) a telephonic Preliminary Hearing was held on September 24, 2021, before Arbitrator David Marcus.

The following attendees participated in the Preliminary Hearing:

For Claimant: Alex Elson, Philip Andonian, and Kirin Jessel, Attorneys for Claimant

For Respondent: Patrick Hammon, Attorney for Respondent

By agreement of the parties and/or by Order of the Arbitrator, the following is now in effect:

1. Hearings:

An **in-person evidentiary hearing** in this matter will commence before the Arbitrator at 9:30 a.m. on **March 10, 2022** for an estimated two day(s) of hearing time, inclusive of arguments. This is a firm setting, and will not be changed or continued absent exceptional circumstances, upon a showing of good cause. The parties have agreed to Portland, Oregon, as the location for the hearing, and they will arrange for an appropriate site and provide confirmed site information to the AAA case manager by not later than **November 1, 2021**.

A second preliminary hearing by telephone conference call will be held at 10:00 a.m. on **January 7, 2022**, to address the following matters: exchange of information (exhibits and witness lists); cybersecurity and privacy; whether the parties intend to make a stenographic record; form of and time of award; and, any other issues raised by the parties. Call-in information will be provided by the Case Administrator.

2. Claim/Counterclaim (Consumer Rule R-8):

The items of claim are detailed in Claimant's Demand and Prayer for Relief (items 1-10). By direction of the Arbitrator, Claimant shall file with the AAA a detailed statement specifying monetary damages amounts for items 7 and 10, by **October 1, 2021**, as well as an accounting of his costs and attorney fees to-date and estimate of total costs and fees through arbitration (item 9).

Respondent has not filed any substantive Counterclaim, but does seek an award of its attorney fees, expert witness fees and costs of suit. By direction of the Arbitrator, Respondent shall similarly file an accounting of its costs and attorney fees to-date and estimate of total costs and fees through arbitration, by **October 1, 2021**.

No new or different claims or counterclaims will be allowed by the Arbitrator.

3. Applicable Law

The parties agree that the Federal arbitration statute/act will apply in this arbitration. The parties do not agree what law State or Federal law is controlling with respect to substantive legal issues to this arbitration. The Arbitrator will decide the question after fully hearing the case and arguments of the parties.

4. Dispositive Motions (Consumer Rule R-33):

The Arbitrator has allowed the filing of dispositive motions by both parties, by not later than **November 15, 2021**, along with opening briefs, not to exceed eight (8) pages in length.

Regardless of when the motions and opening briefs are filed, Reply briefs will be filed and served on or before **December 1, 2021**, not to exceed eight (8) pages in length.

The Arbitrator's ruling will be issued promptly after the final briefs are filed, or following oral argument by teleconference, in the discretion of the Arbitrator.

5. Written Motions (Consumer Rule R-24):

The arbitrator may consider a party's request to file a written motion (other than a dispositive motion) only after the parties and the arbitrator conduct a conference call to attempt to resolve the issue that gives rise to the proposed motion. Only after the parties and the arbitrator hold the call may the arbitrator consider a party's request to file a written motion. The arbitrator has the sole discretion to allow or deny the filing of a written motion and his or her decision is final. The parties are urged to meet and confer in good faith prior to requesting a motion be filed.

6. Disclosures of the Arbitrator:

Each party and counsel has a continuing obligation to protect the integrity of the arbitration proceeding by promptly providing the Arbitrator the information necessary to allow him/her/them to comply with his/her/their ongoing duty of disclosure pursuant to the Code of Ethics for Arbitrators in Commercial Disputes and the American Arbitration Association. The Arbitrator has fully reviewed the case file to-date and has no disclosures to make at this time.

Counsel, for themselves and for each of their clients, acknowledge the continuing obligation to supplement the identification of potential fact and expert witnesses, consulting experts, counsel participation and representation in any capacity, and any other individual or entity interested in the outcome of the arbitration.

Any issues concerning disqualification of the Arbitrator shall be raised promptly with the AAA.

7. Communication:

Communication with the Arbitrator will be conducted through the AAA Case Administrator.

All correspondence shall be submitted to the AAA Case Administrator for transmittal to the Arbitrator and must be sent simultaneously to all other case participants. There shall be no direct oral or written communication between the parties and the Arbitrator except at oral hearings.

All deadlines stated herein will be strictly enforced and adhered to in order to avoid unnecessary delay and to ensure an expeditious and fair resolution of this matter.

This order shall continue in effect unless and until amended by subsequent order of the Arbitrator.

Sept 24, 2021
Date

David Marcus
David Marcus, Arbitrator