

APPENDIX D

REQUEST FOR ISSUANCE OF AN INVITATION TO ARBITRATE

(For Use When a Party Desires to Initiate Arbitration When No Arbitration Clause of a Commercial Contract Exists)

The undersigned party is unable to resolve its differences through direct an/or assisted negotiations with the following parties identified below by name and, in addition, by the address and telephone number of themselves or their counsel:

The undersigned party requests and authorizes ADR, Inc. to contact the other party or parties to the dispute and invite it or them to participate in an arbitration of the dispute.

The dispute is/is not (circle one) a filed court case. If it is a filed court case, the name and docket number of the case are as follows:

The nature of the dispute, points at issue, and remedy or relief sought are as follows:

The undersigned party would like to use the services of one of the following arbitrators from ADR, Inc.'s list of neutrals, in order of preference:

If the undersigned party has listed no preferred arbitrator, the undersigned party requests that an arbitrator be appointed by ADR, Inc. in accordance with Article V of ADR, Inc.'s Arbitration Rules and Procedures (the "Rules"). The undersigned party requests that the appointed arbitrator should have the following special qualifications:

The undersigned party requests that the place of the arbitration should be:

An interpreter is/is not (circle one) required for the arbitrator. If an interpreter is required, the undersigned party proposes the following manner and method of selection and payment of an interpreter:

The undersigned party agrees to make deposits for the estimated fees and expenses and to pay any additional fees and expenses for which it is obligated in a timely manner as requested by ADR, Inc. and in accordance with the provisions of Articles XVIII, XIX, and XX of the Rules.

Party: _____; Signatory: _____ Date: _____

To the extent possible, a **Request for Issuance of an Invitation to Arbitrate** (~~Request~~) shall contain:

- (1) A Statement requesting that the dispute be referred to arbitration or arbitration hybrid;
- (2) The names, addresses, and telephone numbers of the parties to the dispute and of all counsel, representatives and persons providing assistance to the parties, if known;
- (3) A reference to, and a copy of, the arbitration clause or the separate arbitration agreement that is invoked, if applicable;
- (4) A reference to, and copy of, the contract out of, or in relation to, which the dispute arises, if applicable;
- (5) A statement of facts supporting any claim and an indication of the amount involved, if any;
- (6) The points at issue;
- (7) The relief or remedy sought, if known;
- (8) Proposed arbitrator(s), if parties have not previously so agreed; and
- (9) A proposal as to the place of arbitration, if parties have not previously so agreed.

The requesting party may attach to the Request any other relevant documents or may include a reference to such relevant documents in the Request.