



# Arbitration and Proposed Rules Changes

**NGFA Board of Directors Meeting**  
**September 9, 2024**

# Proposed Amendments to NGFA Arbitration Rules

**Rule 2. Commencing an Arbitration Case**

**Rule 4. Timelines Governing the Filing of Arbitration Argument**

**Rule 6. Arbitration Committee Procedures**

**Rule 8. Oral Hearings**

# Proposed Amendments to NGFA Arbitration Rules

## Rule 2. Commencing an Arbitration Case

(A) The case shall incorporate the claims in the original complaint as well as any ~~cross-complaint~~, crossclaim, counterclaim, third-party claim, or offset ~~as set forth by the defendant~~, provided that any matters submitted by crossclaim, counterclaim, or third-party claim ~~the defendant~~ must be directly related to the claims in the original complaint. Any such cross-complaint crossclaim, ~~or~~ counterclaim, or third-party claim shall be heard as one case with the original complaint. Any crossclaim, ~~cross-complaint, or~~ counterclaim, or third-party claim must be filed by the defendant at the same time the defendant's answer is due.

(B) Upon signing the arbitration services contract, each party must pay an arbitration service fee of 1.5% of the amount of the plaintiff's claims. The NGFA Secretary may assess additional fees later in the case based upon the increased claims (including crossclaims, counterclaims, and third-party claims ~~and crossclaims~~) by the parties. . . .

# Proposed Amendments to NGFA Arbitration Rules

## Rule 4. Timelines Governing the Filing of Arbitration Argument ...

(C) The defendant shall have 20 days to file its answer (and any ~~cross-complaint~~ crossclaim, ~~or~~ counterclaim, or third-party claim) from the date it receives the plaintiff's first argument

...

(D) Upon receipt of such answer (and any ~~cross-complaint~~ crossclaim, ~~or~~ counterclaim, or third-party claim) from the defendant, the NGFA Secretary shall have 5 days to forward a copy of same to the plaintiff, who has 10 days from receipt to file a rebuttal to the defendant's answer (and any ~~cross-complaint~~ crossclaim or counterclaim). ...

# Proposed Amendments to NGFA Arbitration Rules

## Rule 6. Arbitration Committee Procedures ...

(F) The Arbitration Committee and/or the Arbitration Appeals Committee may include an amount of interest in an award. If interest is awarded, the applicable rate of interest, unless otherwise provided by agreement between the parties, ~~the applicable rate of interest~~ shall be the Prime Rate as published by ~~in~~ the **Wall Street Journal** on the date the case was filed. ...

## Rule 8. Oral Hearings ...

(E) The chair of the committee shall determine a time and a place for the hearing, and the NGFA Secretary shall notify the parties of the date and place selected. Neither party shall seek to postpone the hearing 10 days after such date has been set, unless good cause, satisfactory to the committee, can be shown. In special circumstances when the party or parties requesting an oral hearing fail to respond or cooperate in the planning of the hearing, the chair of the committee and the NGFA Secretary have discretion to cancel the hearing.