

## **NGFA Bylaws and Rules Amendments Ratified**

*[additions, new language underlined; deletions stricken-through]:*

### **NGFA Bylaws. Article IX. Committees. Section A. Executive Committee**

(1) Upon election by the members of this corporation ~~at the annual meeting~~, the Board shall meet and elect thirteen (13) directors, who with the Chairman, the First Vice Chairman, the Second Vice Chairman, the immediate Past Chairman, and the President shall constitute the Executive Committee to serve until the ~~date of the next annual~~ election meeting. Executive Committee members elected by the Board may serve up to six consecutive one-year terms. The Immediate Past Chairman shall have served a maximum term on the Executive Committee at the conclusion of his or her term in that office. Thereafter, a former Immediate Past Chairman or other former Executive Committee member, who continues to serve as a director of this corporation, may be re-eligible for election by the Board to the Executive Committee after one year following the end of his or her previous term.

### **NGFA Grain Trade Rule 30. Definitions**

(D)\* Container: The term "container" when used in these rules refers to an intermodal shipping container commonly used for carrying bulk grain or feedstuffs. Shipping container dimensions and weight loading requirements should be specified in contract confirmations exchanged between parties.

### **NGFA Feed Trade Rule 28. Definitions**

(D)\* Container: The term "container" when used in these rules refers to an intermodal shipping container commonly used for carrying bulk grain or feedstuffs. Shipping container dimensions and weight loading requirements should be specified in contract confirmations exchanged between parties.

### **NGFA Barge Trade Rule 9. Applicability/Application**

(B) The bill of lading shall not predate notification of application by more than five (5) ~~seven (7)~~ calendar days.

### **NGFA Barge Freight Trading Rule 11. Billing Instructions**

(A) The Buyer shall give the Seller billing instructions (1) by the close of the fifth calendar ~~third business day following the release date~~ or (2) before the barge reaches mile 230 on the Lower Mississippi River regardless of the release date, whichever occurs first. Billing given not in accordance with this rule may result in Barge Operator's reconsignment charges for the Buyer. These instructions shall be confirmed in writing. Billing instructions shall include:

- (1) Barge number
- (2) Commodity
- (3) Loading port, facility and shipper
- (4) Tonnage
- (5) Consignee
- (6) Notify party
- (7) Bill of lading date
- (8) Destination
- (9) Applicable weights

~~(B) Barges that are not billed prior to arrival at contract designation are subject to Barge Operator's reconsignment charges.~~

### **Arbitration Rule 2. Commencing an Arbitration Case**

(B) The NGFA Secretary will submit to the parties an arbitration services contract ... This contract shall provide that the parties agree to abide by the award of the Arbitration Committee or the Arbitration Appeals Committee; and to release NGFA and the members of said committee(s) from any liability, damage, or loss resulting from their decision or related to the arbitration case.

#### **NGFA Arbitration Rule 4. Timelines Governing the Filing of Arbitration Arguments**

(A) The plaintiff shall have 20 days from the date it receives notification from the NGFA Secretary to file its first argument.

(B) Upon receipt of the first argument from the plaintiff, the NGFA Secretary shall have 10 days to forward to the defendant a copy of the plaintiff's first argument.

(C) The defendant shall have 20 days to file its answer (and any cross-complaint or counterclaim) from the date it receives the plaintiff's first argument from the NGFA Secretary.

(D) Upon receipt of such answer (and any cross-complaint or counterclaim) 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 ~~of the answer~~ to file a rebuttal to the defendant's answer (and any cross-complaint or counterclaim). The plaintiff is not obligated to file a rebuttal.

(E) Upon receipt of any rebuttal, the NGFA Secretary shall have 5 days to forward a copy to the defendant, who has 10 days from date of receipt to file a surrebuttal. The defendant is not obligated to file a surrebuttal.

(F) Upon receipt of any surrebuttal, the NGFA Secretary shall have 5 days to forward a copy to the plaintiff. There shall be no additional arguments filed by the parties related to the claims between the plaintiff and defendant.

#### **NGFA Arbitration Rule 7. Appealing an Arbitration Decision ...**

(E)(6) Upon receipt of the appellee's brief, the NGFA Secretary shall send a copy to the appellant. There shall be no additional briefs or arguments filed by the parties.

(E) (7) The NGFA Secretary may, for good cause shown, extend the time limits specified for the filing of the appellant's and appellee's briefs for a period no longer than 20 days. Requests for extension of these time limits must be made prior to expiration of the specified time period. Any extension so granted must be in writing, and a copy thereof sent to the parties.

#### **Arbitration Rule 8. Oral Hearings**

(A) Either party may request an oral hearing by written request to the NGFA Secretary within 10 days after receipt by the plaintiff ~~on or before the deadline for filing~~ of the defendant's surrebuttal in a non-appeal case, and ~~at any time from filing of the notice of appeal until~~ within 10 days after receipt by the appellant of the appellee's brief ~~the appellee files its answer~~ in an appeal case.

#### **NGFA Arbitration Rule 9\*. Exclusion of Liability; Judicial Proceedings**

The parties to an arbitration under these rules release from liability and waive any right to pursue any action or claim against NGFA, NGFA arbitrators, the NGFA Secretary and NGFA's employees and non-employee directors and officers for any act or omission related to any proceeding, conduct or activity in connection with these rules, the arbitration, administration of the arbitration process or the arbitration award. The parties also agree that no party shall seek to make the NGFA Secretary, NGFA arbitrators or NGFA's employees or non-employee directors or officers a party or witness in any judicial or other proceeding related to any arbitration under these rules.

*[\*subsequent rules/paragraphs to be re-numbered/re-lettered]*