



V. COUNTERCLAIMS AND DISCOVERY

Statement of Defense, Counterclaims and Cross-Complaints

The Respondent has twenty-one days from the date of receipt of the Notice of Arbitration and the IFTA Rules to serve a response as well as any counterclaim or cross-complaint. (IFTA Rule 8.5). The service of the Notice of Arbitration by Claimant does not determine the date for receipt of respondent's defense, counterclaim or cross-complaint. (IFTA Rule 8.5).

A copy of the statement of defense and any counterclaim or cross-complaint and the relief requested must be sent to IFTA at the same time it is sent to the opposing party, with any necessary fees attached as required in the schedule of fees. (IFTA Rule 8.5.1). The failure of a Respondent to provide a statement of defense shall be cause for the arbitration to proceed automatically as a "Fast Track" arbitration. (IFTA Rule 8.5.1).

Any response by Claimant to a counterclaim or cross-complaint must be transmitted to the opposing party and IFTA (with fees attached) within fourteen days of receipt of the counterclaim or cross-complaint. (IFTA Rule 8.5.3).

Discovery

No formal discovery procedures shall be permitted, except that the parties may by mutual agreement or on order of the arbitrator (a) exchange lists of anticipated witnesses and/or summaries of the testimony anticipated to be elicited from each of its witnesses; (b) exchange documents or other evidence to be introduced at the hearing; and (c) submit prehearing briefs. (IFTA Rule 8.8). The arbitrator may also permit formal depositions and appropriate discovery of information, but such procedures may not delay the speedy processes of the arbitration. (IFTA Rule 8.8).

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