



## V. COUNTERCLAIMS AND CROSS-CLAIMS

### **Cross-Claims and Counterclaims**

The respondent has twenty-one days from the date of receipt from IFTA of the Notice of Arbitration and the IFTA Rules to transmit a response setting forward the law and facts relevant to the respondent's defense as well as any counterclaim or cross-complaint. (IFTA Rule 8.5). A copy of the statement of defense and any counter/cross-claims and the relief requested must be sent to the Arbitral Agent 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). Responses to such counter/cross-claims must be transmitted to the opposing party and the Arbitral Tribunal (with fees attached) within fourteen days of receipt from receipt of the counter/cross-claim. (IFTA Rule 8.5.2).

After submission of the required statements by the parties or lack thereof, the arbitrator shall give the parties written direction for the further conduct of the arbitration and the parties will be bound by those instructions. (IFTA Rule 8.7).

### **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, or any or all of the above. (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).