

FAM Instructions for Submission of Mediation

The following items are required to be submitted to FAM when filing and executing a Demand for Mediation or Submission Agreement (Mediation):

- A. Two (2) copies of the **Demand for Mediation** or Submission Agreement (Mediation);
- B. **Proof of service**; two (2) copies of a written "Delivery Confirmation" of Demand for Mediation sent to the other disputing party and/or counsel (the Delivery Confirmation can be an e-mail receipt, United States Postal Service: Return Receipt, or tracking receipt from Express Mail or other courier service).
- C. Two (2) copies of the Dispute Resolution Section of the Franchise Agreement that was originally signed by the parties named in the Demand).
- D. Two (2) copies of a "Summary of Nature of Dispute" and any additional applicable documentation.
- E. Initial non-refundable check or checks payable to FAM in the aggregate amount of \$1,000 (for a single mediator proceeding).

FAM will confirm receipt of the Demand for Mediation or Submission Agreement (Mediation) and assign a case number upon delivery of all materials requested above. If you have any questions, please contact FAM's Administrator, Brandi Newell via e-mail: brandi@franarb.com.

FRANCHISE ARBITRATION AND MEDIATION SERVICES

DEMAND FOR MEDIATION

TO: _____

(Name of Respondent – the party upon whom the demand is made)

Whose address, telephone number and e-mail is: _____

WITH A COPY TO: _____

(Name of Respondent's representative)

Whose address, telephone number and e-mail is: _____

On or about _____ *[Insert Date]*, Respondent and the below named Plaintiff entered into an agreement to mediate disputes between Respondent and Plaintiff before a mediator referred by FranArb, Inc., doing business as Franchise Arbitration and Mediation Services ("FAM"), in accordance with FAM's Arbitration Guidelines (available for review at www.franarb.com). BE ADVISED that Plaintiff hereby demands mediation of its dispute with Respondent.

Mediation is to be conducted at _____ *[Insert County and State]*.

Attached to this Demand for Mediation ("Demand") is the clause of the franchise agreement or other contract that provides for mediation of disputes. Copies of the mediation agreement and this Demand are being filed with FAM, 650 Town Center Drive, Suite 1400, Costa Mesa, California 92626-7020, and constitute a request that FAM commence the process of screening and referring potential arbitrators to Plaintiff and Respondent. In order to avoid a possible default award, Respondent must file a response to this Demand within 30 days after its receipt of this Demand. If either Plaintiff or Respondent has a question about this Demand or the related procedures, they must contact FAM by FAX at (949) 856-3245 or by phone at (949) 854-0374.

Also attached to this Demand is a check or checks payable to FAM in the aggregate amount of \$1,000 (for a single mediator proceeding), as FAM's non-refundable and one-time administrative fee for coordinating the mediation. Within 30 days after the mediator is selected, each disputing party is required to pay ½ of the mediator's retainer (for up to 8 hours at the mediator's billable rate). Each FAM mediator will invoice the parties directly for the mediator's services at his or her hourly rate (not to exceed \$500). Final payment for services rendered by the mediator must be made within five business days after the conclusion of the mediation hearing. A written award or other decision will be transmitted to the parties not later than 20 business days after the mediation has received full payment for the mediators' services. Both Plaintiff and Respondent are advised that no award or other decision will be made unless the arbitrator has received full payment.

PLAINTIFF'S SUMMARY OF NATURE OF DISPUTE: _____

DAMAGES OR RELIEF SOUGHT: _____

NAME OF PLAINTIFF: _____

ADDRESS: _____

TELEPHONE () _____ FAX () _____

PLAINTIFF'S REPRESENTATIVE: _____

ADDRESS: _____

TELEPHONE () _____ FAX () _____

SIGNED: _____ TITLE: _____ DATE: _____