

# FEES FOR MATTERS GOVERNED BY NAM'S SELF-STORAGE INDUSTRY DISPUTE RESOLUTION RULES AND PROCEDURES



## **ARBITRATION FEES**

Party	Based on Written Submissions only	In-Person or Telephonic/video Hearing
Filing fee to be paid by party filing claim (non-refundable) when case is filed unless the parties' agreement and/or applicable state law provides otherwise. If so, Business pays the difference.	\$150	\$150
Administrative fee to be paid by Business (non-refundable) when a demand is received by the Business (if Business is the initiating party, this fee is due when the case is filed, along with the filing fee above)	\$250	\$250
Case Management fee to be paid by Business when the response to the demand is filed/due per NAM Rules or upon appointment of the arbitrator, whichever comes first	\$1,250	\$1,250
Hearing/scheduling fee to be paid by Business at the time a hearing is scheduled	Not Applicable	\$400
Arbitrator Time fee to be paid by Business	\$1,400 per case up to 7 hours of Arbitrator time (\$300 per hour thereafter, as applicable)	\$2,400 per day of hearing***

\*\*\*The Arbitrator Time fee for an in-person or telephonic/video hearing includes one preliminary telephonic conference, one day of hearing and one final award. For cases with additional procedures, such as multiple telephone conferences, motion practice, post-hearing briefing, interim or partial awards, reasoned decisions, or other additional processes, the Business will be responsible for additional Arbitrator Time at the rate of \$400 per hour.

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## **OTHER ARBITRATION FEES (MAY APPLY)**

Fee Type	Fee and Description
Adjournment fee for an Arbitration-payable by adjourning party for each scheduled hearing/conference date	\$225 fee for each day that a hearing/conference is scheduled**.
Withdrawal, Cancellation or Settlement Fee for an Arbitration**	<p>The Filing Fee and Administrative Fee are non-refundable. The Case Management Fee will not be charged should the case be withdrawn, cancelled or settled before a response is received/due and as long as an Arbitrator has not been appointed.</p> <p>Once the Arbitrator spends any time on the matter, the Arbitrator Time Fee is incurred and due. However, a partial refund of 50% will be made if, at the time of that NAM receives notice of the cancellation/settlement/withdrawal,</p> <ul style="list-style-type: none"> <li>(i) only a preliminary telephone call with the Arbitrator and the parties has been conducted (that is, no evidentiary hearings have been held with respect to an in-person or telephonic/video hearing or no documents have been submitted for a matter to be resolved by written submissions) and</li> <li>(ii) for in-person or telephonic/video hearings, for the first day of hearing, NAM receives at least 2 business days' notice before the scheduled hearing date.</li> </ul> <p>If more than 1 day of hearing is requested/required, a refund of the subsequent scheduled hearing day fees will be made as long as NAM receives at least 2 business days' notice before the scheduled hearing date.</p>

\*\*For certain Specially Designated Hearing Officer(s), when one or more full days of time (that is, 7 or more hours per day) has/have been reserved and the day(s) subsequently adjourn(s)/cancel(s)/settle(s), the following fees will apply:

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Fee Type	Fee and Description
- 0 - 15 Business Days' Notice to NAM	100% of the hourly fees for time reserved for the hearing/conference.
- 16 - 30 Business Days' Notice to NAM	50% of the hourly fees for time reserved for the hearing/conference.

As applicable, the parties will be responsible for fees relating to any additional Arbitrator Time for the number of hours expended by the Arbitrator before NAM is notified that a case has been adjourned/withdrawn/cancelled/settled.

## **MEDIATION FEES**

Type	Fee	Description
Administrative Fee	\$650	\$150 payable by Initiating party; \$500 payable by Business
Hourly Mediator Time	\$800 per hour	Subject to a minimum of 2 hours; payable by Business

In some circumstances, special administrative and hourly rates (or other requirements, such as a minimum amount of reserved time) apply to certain Specially Designated Hearing Officers who are designated as such on NAM's Hearing Officer roster. Please consult with your NAM Account Executive for the applicable rates.

## **OTHER MEDIATION FEES (MAY APPLY)**

Fee Type	Fee and Description
Adjournment fee for a Mediation - payable by adjourning party for each scheduled hearing/conference date (based on Notice Before each scheduled Hearing/Conference Date):	

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- 0 - 5 Business Days' Notice to NAM	Hourly fees for time reserved for hearing/conference. Calculation is made and charged for each day that a hearing/conference is scheduled.
- 6 – 14 Business Days' Notice to NAM	50% of hourly fees for time reserved for hearing/conference. Calculation is made and charged for each day that a hearing/conference is scheduled.
- 15 + Business Days' Notice to NAM	No fee**
Withdrawal, Cancellation or Settlement Fee for a Mediation **	The Administrative Fees are non-refundable. Also, if a hearing/conference has been scheduled and the matter is withdrawn, cancelled or settled and NAM is given notice of such within 14 Business days of the hearing/conference date, hourly fees for time reserved in accordance with the above schedule may be charged.

\*\*For certain Specially Designated Hearing Officer(s), when one or more full days of time (that is, 7 or more hours per day) has/have been reserved and the day(s) subsequently adjourn(s)/cancel(s)/settle(s), the following fees will apply:

Fee Type	Fee and Description
- 0 - 15 Business Days' Notice to NAM	100% of the hourly fees for time reserved for the hearing/conference.
- 16 - 30 Business Days' Notice to NAM	50% of the hourly fees for time reserved for the hearing/conference.

As applicable, the parties will be responsible for fees relating to Mediator Time for the number of hours expended by the Mediator before NAM is notified that a case has been adjourned/withdrawn/cancelled/settled.

## **TERMS & CONDITIONS**

- This fee sheet shall apply to matters referred to NAM as a result of a **pre-dispute** Arbitration/Mediation contract provision entered into by mutual agreement between the parties and governed by NAM's Self-Storage Industry Dispute Resolution Rules and Procedures.
- The Filing fee and the Administrative fee are non-refundable. Filing fees and Administrative fees are due from all parties even if the matter settles, cancels or is withdrawn prior to the service of a reply from the Respondent. The Administrative fee includes case administration, coordination, scheduling and document handling. The Case Management Fee is due when a response is received/due or when the Arbitrator is appointed, whichever comes first. The Hearing Fee is incurred when an In-person or telephonic/video hearing is scheduled.

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- Arbitrator/Mediator time refers to the combination of conference/pre-hearing conference/hearing time, travel time (if required), study and review of written submissions and documents from the parties, research and decision preparation time (as applicable).
- NAM reserves the right to assess additional administrative fees for services performed by NAM beyond those provided for herein and which may be required/requested by the parties' agreement/stipulation.
- In the event the parties' agreement provides for payment of fees by one or more parties contrary to the fees set forth herein, the NAM Administrator shall determine the fees that shall apply.
- The NAM Administrator will make the final determination as to the proper Rules and Procedures and Fee Sheet that shall apply to a matter.

## **PAYMENT TERMS**

- All fees are due and payable by the Claimant when a demand/request is filed and by the Respondent when a demand/request is received/due. In any event, all such fees must be paid before a hearing/conference is scheduled. All other fees are due within 10 days of invoice date.
- To the extent that additional Arbitrator/Mediator time is required, NAM may direct the parties to make interim payments.
- Each party is responsible to pay the fees directly to NAM. If, as part of the award, the Arbitrator/Mediator orders that a portion of the cost of the Arbitration/Mediation be reimbursed from one party to the other party, such reimbursement is to be made between/among the parties after NAM has been paid in full and without the involvement of NAM.
- In the event that a party fails or refuses to make payments, NAM may direct the other party to affect a substitute payment to allow the Arbitration/Mediation to proceed (subject to any Award for costs). In such circumstances, the party paying the substitute payment may be entitled to recover that amount from the defaulting party.
- NAM may elect not to commence administration of the claim or not to allow the hearing/conference to proceed or to withhold the release of
- Interest will be charged at a rate of 1.5% per month on balances more than 30 days past due.
- Any questions or concerns regarding invoices should be brought to NAM's attention within 30 days of the receipt of the invoice.

**Fees and costs are effective as of 7/31/2021. All fees are subject to adjustment annually as of July 1st of each year.**