

## FEES FOR DISPUTES WHEN ONE OF THE PARTIES IS A CONSUMER



### **ARBITRATION FEES: 2-party matters**

Party	Based on Written Submissions only (Note 1)	In-Person or Telephonic/Virtual Hearing (Note 1)
Filing fee is due and payable by the party filing the claim when case is filed unless the parties' agreement and/or applicable state law provides otherwise. If so, Business pays the difference.	\$200	\$200
Administrative fee is due and payable by Business when a demand is received by Business (if Business is the initiating party, this fee is due when the case is filed, along with the Filing fee mentioned above).	\$325	\$325
Case Management fee is due and payable by Business the earlier of (a) when the response to the demand is due per NAM Rules or (b) when the response is filed with NAM.	\$1,325	\$1,325
Hearing/Scheduling fee is due and payable by Business at the time a hearing is scheduled.	Not Applicable	\$450
Arbitrator Time fee is due and payable by Business at the time an Arbitrator is appointed. Arbitrator Time fee is fully refundable if (a) the Arbitrator has not spent any time on the matter prior to cancellation/settlement/withdrawal of the matter <b>AND</b> (b) NAM receives at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours. If the Arbitrator has spent time on the matter and NAM receives at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours, Business will be	\$1,400 per case up to 7 hours of Arbitrator time (\$545 per hour thereafter, as applicable)	\$2,400 per case which includes 1 day of hearing (see Note 2 for an explanation of what is included in this fee); \$545 per hour thereafter, as applicable

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responsible for time incurred at the rate of \$545 per hour. If NAM does not receive at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours, the Business will be responsible for the greater of (a) time incurred at the rate of \$545 per hour or (b) \$2,400. See page 6 for applicable fees when one or more full days of time have been reserved and the day(s) adjourn(s)/cancel(s)/settle(s).

Note 1: All fees are non-refundable unless otherwise indicated.

Note 2: The Arbitrator Time fee for an in-person or telephonic/virtual hearing includes one preliminary telephonic conference up to 1 hour, one day of hearing (up to 7 hours of Arbitrator Time) and up to 2 hours of time to write a final decision. For cases with additional procedures, such as multiple telephone conferences or calls in excess of 1 hour for the preliminary telephone call, review of submissions and documents, responding to correspondence, motion practice, additional hearing dates, post-hearing briefing, interim or partial awards, detailed decisions (in excess of 2 hours), or other additional processes, the Business will be responsible for additional Arbitrator Time at the rate of \$545 per hour.

### **ARBITRATION FEES: Mass Filings**

Cases that are included in Mass Filings will be subject to reduced/graduated filing and administrative fees. To be eligible, the following criteria must be met:

1. Twenty-five (25) or more similar demands for arbitration are filed;
2. Demands for arbitration are against the same party or related parties, and
3. Representation for the parties is consistent or coordinated across all cases.

The determination is to be made by NAM in its sole discretion. Once determined, the following filing and administrative fees will apply (note that if less than 25 demands for arbitration are filed at one time and then additional demands for arbitration are filed at a later date but which altogether are determined to qualify as a Mass Filing, the original demands for arbitration processed will not be retroactively re-rated; however, the additional demands for arbitration will be subject to the reduced/graduated filing and administrative fees noted herein):

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Responsible Party	Initial Filing/Admin Fee (Notes A & B)	Panel Preparation Fee (Note A)	Final Admin fee, Hearing/Scheduling fee and Arbitrator Time fee (Note A)	Explanation
Business	<p><b>Initial Admin fee: \$450</b> per claim for the first 1,000 claims</p> <p><b>\$375</b> per claim for each additional claim beyond 1,000</p>	<p><b>\$450</b> per claim for in-person/virtual hearings or arbs based on written submissions if claim is in excess of \$10,000 (<b>\$325</b> per matter for claims of \$10,000 or less to be resolved by written submissions)</p>	<p><b>Final Admin fee: \$450</b> per claim (<b>\$325</b> per matter for claims to be resolved by written submissions)</p> <p><b>Hearing/Scheduling fee: \$450</b> per claim (does not apply to arbs based on written submissions).</p> <p><b>\$2,400 Arbitrator Time fee per case</b> which includes 1 day of hearing (see Note C for an explanation of what is included in this fee); \$545 per hour thereafter, as applicable, if in-person/virtual hearing; <b>\$1,400 Arbitrator Time fee per case</b> up to 7 hours of Arbitrator time (\$545 per hour thereafter, as</p>	<p>Initial Admin fees are incurred and due when a claim is filed. In the event a Procedural Arbitrator has been requested/appointed, then the Initial Admin fees are incurred and due for all claims submitted to the Procedural Arbitrator, with the exception of those claims that the Procedural Arbitrator determines not to be properly filed, in her/her sole discretion, as follows:</p> <ul style="list-style-type: none"> <li>a) For those claims that the Procedural Arbitrator determines to be properly filed, said determination to be made by the Arbitrator based upon the Arbitrator’s findings and not due to a stipulation/agreement between the parties, the Initial Admin fees are due and payable upon the issuance of the final determination by such Procedural Arbitrator; and</li> <li>b) For all other claims which are withdrawn/settled/cancelled, either unilaterally or by stipulation of the parties prior to the final determination of the Procedural</li> </ul>

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			<p>applicable) if based on written submissions</p>	<p>Arbitrator, 50% of the Initial Admin fees for such claims shall be due and payable upon such withdrawal, settlement or cancelation.</p> <p>Panel Preparation fees are incurred and due at the commencement of panel creation.</p> <p>Final Admin Fees are incurred and due 30 days before the initial hearing date.</p> <p>Hearing/Scheduling fee is due and payable by Business at the time a hearing is scheduled.</p> <p>Arbitrator Time fee is due and payable by Business at the time an Arbitrator is appointed. Arbitrator Time fee is fully refundable if (a) the Arbitrator has not spent any time on the matter prior to cancellation/settlement/withdrawal of the matter AND (b) NAM receives at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours. If the Arbitrator has spent time on the matter and NAM receives at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours, Business will be responsible for time incurred at the rate of \$545 per hour. If NAM does not receive at least 2 business days' notice before a scheduled hearing date reserved for less than 7 hours, the Business will be</p>
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				responsible for the greater of (a) time incurred at the rate of \$545 per hour or (b) \$2,400. See page 6 for applicable fees when one or more full days of time have been reserved and the day(s) adjourn(s)/cancel(s)/settle(s).
Claimant	<b>Initial Filing Fee:</b> <b>\$100</b> per claim			Initial Filing fees are incurred and due when a claim is filed.

Note A: All fees are non-refundable once incurred unless otherwise indicated.

Note B: The initial admin/filing fees are due when a claim is filed. However, NAM will allow the parties to defer payment of a portion of such admin/filing fees for amounts due in excess of \$1,000,000 per party. The unpaid initial admin/filing fees shall be due and payable no later than at the commencement of panel creation or upon settlement/cancellation/withdrawal of the claim, whichever comes first.

Note C: The Arbitrator Time fee for an in-person or telephonic/virtual hearing includes one preliminary telephonic conference up to 1 hour, one day of hearing (up to 7 hours of Arbitrator Time) and up to 2 hours of time to write a final decision. For cases with additional procedures, such as multiple telephone conferences or calls in excess of 1 hour for the preliminary telephone call, review of submissions and documents, responding to correspondence, motion practice, additional hearing dates, post-hearing briefing, interim or partial awards, detailed decisions (in excess of 2 hours), or other additional processes, the Business will be responsible for additional Arbitrator Time at the rate of \$545 per hour.

### **OTHER ARBITRATION FEES (that MAY APPLY to 2-Party Matters and to Mass Filings)**

Fee Type	Fee and Description
Adjournment fee for an Arbitration - payable by adjourning party and billable for each scheduled hearing date (based on Notice Before each scheduled hearing date):	

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<ul style="list-style-type: none"> <li>- 0 - 5 Business Days' Notice to NAM</li> <li>- 6 – 14 Business Days' Notice to NAM</li> <li>- 15 + Business Days' Notice to NAM</li> </ul>	<p>100% of the Arbitrator Time fee (calculation is made and charged for each day that a hearing is scheduled)</p> <p>50% of the Arbitrator Time Fee (calculation is made and charged for each day that a hearing is scheduled)</p> <p>No fee</p>
<p>Procedural Arbitrator Appointment: Administrative Fees and Hourly Arbitrator time (ONLY pertains to Mass Filings, as applicable)</p>	<p>Administrative fee of \$1,800 is due and payable at the time a request is made for appointment of a Procedural Arbitrator.</p> <p>Hourly Arbitrator time is due and payable as incurred at the rate of \$820 per hour. Special hourly rates apply to Specially Designated Hearing Officers. Please consult your NAM Account Executive for the applicable rates.</p> <p>In the event that the party seeking the appointment of the Procedural Arbitrator is the Business, all administrative and hourly fees for the Procedural Arbitrator are to be paid by the Business. However, if the party seeking the appointment of the Procedural Arbitrator is the Consumer, all administrative and hourly fees for the Procedural Arbitrator shall be shared equally between the parties.</p>

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
<ul style="list-style-type: none"> <li>- 0 - 15 Business Days' Notice to NAM</li> <li>- 16 - 30 Business Days' Notice to NAM</li> </ul>	<p>100% of the hourly fees for time reserved for the hearing/conference.</p> <p>50% of the hourly fees for time reserved for the hearing/conference.</p>

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### **MEDIATION FEES**

Type	Fee	Description
Administrative Fee (non-refundable)	\$650	\$150 payable by Initiating party; \$500 payable by Business
Hourly Mediator Time	\$820 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 and billable for each scheduled Conference Date (based on Notice Before each scheduled Conference Date):	
- 0 - 5 Business Days’ Notice to NAM	100% of hourly fees for time reserved for conference (calculation is made and charged for each day that a conference is scheduled)
- 6 – 14 Business Days’ Notice to NAM	50% of hourly fees for time reserved for conference (calculation is made and charged for each day that a conference is scheduled)
- 15 + Business Days’ Notice to NAM	No fee**
Withdrawal, Cancellation or Settlement Fee for a Mediation**	If a 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 conference date, hourly fees for time reserved in accordance with the above schedule may be charged.

\*\*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 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 when one of the parties is a Consumer.
- Administrative fees include case administration, coordination, scheduling and document handling.
- 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**

- Fees are incurred and due as indicated on this fee schedule. All other fees are due within 10 days of invoice date. **HOWEVER, IF THE ARBITRATION IS SUBJECT TO CALIFORNIA CODE OF CIVIL PROCEDURE 1281.97 ET AL. / SB762, PAYMENT IS DUE UPON RECEIPT, AS OF THE DATE OF THE INVOICE. PAYMENT MUST BE RECEIVED BY NAM NO LATER THAN 30 DAYS FROM THE DATE OF THE INVOICE. PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE 1281.97 ET AL./SB 762, NAM CANNOT GRANT ANY EXTENSIONS TO THIS PAYMENT DEADLINE UNLESS AGREED UPON BY ALL PARTIES.**
- To the extent that additional Arbitrator/Mediator time is required, NAM may direct the parties to make interim payments.



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- 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 the Arbitrator's decision (as applicable) until all outstanding fees are paid.
- In the event a dispute arises as to the classification of a party as a "consumer," the NAM Administrator, in his/her sole discretion, will determine such classification.
- 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 1/12/2024. All fees are subject to adjustment annually as of July 1st of each year.**