

2770.5000 ARBITRATION PROCEDURE.

Subpart 1. **Commencement.** An arbitration proceeding is commenced by the local representative of a reparation obligor filing an arbitration notice (three copies) with the secretary of the local arbitration committee. At the same time, three copies of the arbitration notice are to be submitted by the applicant directly to the local representative of the other involved reparation obligor. If there is more than one respondent reparation obligor in a case, the applicant shall so indicate on the original and all copies of the arbitration notice and send three copies thereof to each respondent reparation obligor.

Subp. 2. **Nature of notice.** Notice by applicants shall set forth the following information:

- A. names of applicant and respondent reparation obligor together with names and addresses of local representatives having supervision over the case in controversy;
- B. name and address of respondent reparation obligor's insured;
- C. claim file numbers of applicant and respondent, if known;
- D. date and place of alleged accident, loss, or other insured event;
- E. amount of reparation obligor's claim payment and amount of any other expenses for which indemnity is requested;
- F. certification that settlement efforts have been unsuccessful;
- G. brief statement of allegation solely as to the issue in controversy; and
- H. signature of applicant's representative and date signed.

Subp. 3. **Answers.** Answers filed by respondent shall set forth the following information:

- A. supplement, if and as necessary, the information furnished by applicant as to respondent reparation obligor's name, local representative, address, name of insured, file number, or kind of policy coverage;
- B. whether there is an objection to arbitration; if so, the grounds on which the objection is based should be fully stated;
- C. brief statement of allegation as to the issue in controversy; and
- D. signature of respondent's representative and date signed.

Subp. 4. **Filing periods.** The respondent has 30 days after the applicant's filing in which to file a written answer. If a respondent fails to submit its answer within 30 days after an applicant reparation obligor files with a committee, it is presumed that the applicant's claim has been denied and the case is ready for hearing on the issues. Failure to file an answer will not operate to delay the arbitration hearing. However, if affirmative defenses

are available to the respondent, and are not asserted by answer prior to notice of hearing, the applicant, on request, will be entitled to an adjournment to investigate such affirmative defenses.

Subp. 5. **Counterclaims.** The procedure set out in subparts 1 to 4 is also applicable to counterclaims for damages that may be submitted for arbitration pursuant to part 2770.4400 or 2770.4500. The arbitration notice should clearly indicate that it is submitted as a counterclaim and the original arbitration case to which it pertains shall be plainly identified.

Statutory Authority: *MS s 65B.53*

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