

# Demand for Arbitration Form



Instructions for Submittal of Arbitration to JAMS

\*\*\* FOR DENVER ONLY \*\*\*

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## INSTRUCTIONS

Please submit this form to JAMS – Denver via email to [arb@jamsdenver.com](mailto:arb@jamsdenver.com). Once the below items are received, a JAMS professional will contact all parties to commence and coordinate the arbitration process, including the appointment of an arbitrator and scheduling a hearing date.

 **303-534-1254**  
 **[www.jamsdenver.com](http://www.jamsdenver.com)**

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If you wish to proceed with an arbitration by executing and serving a Demand for Arbitration of the appropriate party, please submit the following items to JAMS – Denver:

### A. Demand for Arbitration Form

- Please fill out this form in its entirety even if you attach a Complaint or Demand pleading.

### B. Proof of service of the Demand on the appropriate party

- Proof of service maybe any of the following; USPS certified mail receipt, FedEx or USP signed confirmation of receipt, affidavit of service or waiver and acceptance of service. A certificate of service does not suffice.

### C. Entire contract containing the arbitration clause

- To the extent there are any court orders or stipulations relevant to this arbitration demand, e.g. an order compelling arbitration, please also include them.
- If the parties do not have an arbitration clause in their contract naming JAMS please provide one of the following;
  - i. A post-dispute Arbitration Agreement fully executed by all Parties specifying JAMS administration or use of any JAMS Rules; or
  - ii. A pre-dispute written contractual provision requiring the Parties to arbitrate the dispute or claim and specifying JAMS administration or use of any JAMS Rules or that the Parties agree shall be administered by JAMS; or
  - iii. A written confirmation of an oral agreement of all Parties to participate in an Arbitration administered by JAMS or conducted pursuant to any JAMS Rules; or
  - iv. The Respondent's failure to timely object to JAMS administration; or
  - v. A copy of a court order compelling Arbitration at JAMS.

### D. Administrative Fees

- For two-party matters, the Filing Fee is \$800. For matters involving three or more parties, the filing fee is \$1,200. The entire Filing Fee must be paid in full to expedite the commencement of the proceedings. Please add a separate line in your email stating the check is forthcoming. The address for remittance is 410 17<sup>th</sup> Street, Suite 2440, Denver, CO 80202.
- JAMS also charges a \$800 filing fee for counterclaims. Therefore the Respondent(s) will need to submit payment with their answer if any counterclaims are presented.
- For matters involving consumers, the consumer is only required to pay \$250. See JAMS Policy on Consumer Arbitrations Pursuant to Pre-Dispute Clauses. For matters based on a clause or agreement that is required as a condition of employment, the employee is only required to pay \$400. See JAMS Policy on Employment Arbitrations, Minimum Standards of Fairness.
- A refund of \$400 will be issued if the matter is withdrawn within five days of filing. After five days, the filing fee is non-refundable.

Once completed, please submit to JAMS Denver via email at [arb@jamsdenver.com](mailto:arb@jamsdenver.com)

*JAMS rules governing arbitrations can be found at: <http://www.jamsadr.com/adr-rules-procedures/>.*



# Demand for Arbitration Form (continued)

## Instructions for Submittal of Arbitration to JAMS

### TO RESPONDENT (PARTY ON WHOM DEMAND FOR ARBITRATION IS MADE)

Add more respondents on **page 6**.

RESPONDENT NAME _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

### RESPONDENT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY _____		
FIRM/COMPANY _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

### FROM CLAIMANT

Add more claimants on **page 7**.

CLAIMANT NAME _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

### CLAIMANT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY _____		
FIRM/COMPANY _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____



# Demand for Arbitration Form (continued)

## Instructions for Submittal of Arbitration to JAMS

### MEDIATION IN ADVANCE OF THE ARBITRATION

- If mediation in advance of the arbitration is desired, please check here and a JAMS Case Manager will assist the parties in coordinating a mediation session.

### NATURE OF DISPUTE / CLAIMS & RELIEF SOUGHT BY CLAIMANT

CLAIMANT HEREBY DEMANDS THAT YOU SUBMIT THE FOLLOWING DISPUTE TO FINAL AND BINDING ARBITRATION.  
A MORE DETAILED STATEMENT OF CLAIMS MAY BE ATTACHED IF NEEDED.

AMOUNT IN CONTROVERSY (US DOLLARS) \_\_\_\_\_



# Demand for Arbitration Form (continued)

Instructions for Submittal of Arbitration to JAMS

## ARBITRATION AGREEMENT

This demand is made pursuant to the arbitration agreement which the parties made as follows. **Please cite location of arbitration provision and attach two copies of entire agreement.**

ARBITRATION PROVISION LOCATION

## RESPONSE

The respondent may file a response and counter-claim to the above-stated claim according to the applicable arbitration rules. **Send the original response and counter-claim to the claimant at the address stated above with two copies to JAMS.**

## REQUEST FOR HEARING

REQUESTED LOCATION \_\_\_\_\_

## ELECTION FOR EXPEDITED PROCEDURES (IF COMPREHENSIVE RULES APPLY)

See: *Comprehensive Rule 16.1*

By checking the box to the left, Claimant requests that the Expedited Procedures described in JAMS Comprehensive Rules 16.1 and 16.2 be applied in this matter. Respondent shall indicate not later than seven (7) days from the date this Demand is served whether it agrees to the Expedited Procedures.

## SUBMISSION INFORMATION

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NAME (PRINT/TYPED) \_\_\_\_\_



# Demand for Arbitration Form (continued)

## Instructions for Submittal of Arbitration to JAMS

Completion of this section is required for all consumer or employment claims.

### CONSUMER AND EMPLOYMENT ARBITRATION

Please indicate if this is a CONSUMER ARBITRATION. For purposes of this designation, and whether this case will be administered in California or elsewhere, JAMS is guided by California Rules of Court Ethics Standards for Neutral Arbitrators, Standard 2(d) and (e), as defined below, and the JAMS Consumer and Employment Minimum Standards of Procedural Fairness:

**YES**, this is a CONSUMER ARBITRATION.

**NO**, this is not a CONSUMER ARBITRATION.

“Consumer arbitration” means an arbitration conducted under a pre-dispute arbitration provision contained in a contract that meets the criteria listed in paragraphs (1) through (3) below. “Consumer arbitration” excludes arbitration proceedings conducted under or arising out of public or private sector labor-relations laws, regulations, charter provisions, ordinances, statutes, or agreements.

1. The contract is with a consumer party, as defined in these standards;
2. The contract was drafted by or on behalf of the non-consumer party; and
3. The consumer party was required to accept the arbitration provision in the contract.

“Consumer party” is a party to an arbitration agreement who, in the context of that arbitration agreement, is any of the following:

1. An individual who seeks or acquires, including by lease, any goods or services primarily for personal, family, or household purposes including, but not limited to, financial services, insurance, and other goods and services as defined in section 1761 of the Civil Code;
2. An individual who is an enrollee, a subscriber, or insured in a health-care service plan within the meaning of section 1345 of the Health and Safety Code or health-care insurance plan within the meaning of section 106 of the Insurance Code;
3. An individual with a medical malpractice claim that is subject to the arbitration agreement; or
4. An employee or an applicant for employment in a dispute arising out of or relating to the employee’s employment or the applicant’s prospective employment that is subject to the arbitration agreement.

In addition, JAMS is guided by its Consumer Minimum Standards and Employment Minimum Standards when determining whether a matter is a consumer matter.

**If Respondent disagrees with the assertion of Claimant regarding whether this IS or IS NOT a CONSUMER ARBITRATION, Respondent should communicate this objection in writing to the JAMS Case Manager and Claimant within seven (7) calendar days of service of the Demand for Arbitration.**

### EMPLOYMENT MATTERS

If this is an EMPLOYMENT matter, Claimant must complete the following information:

Private arbitration companies are required to collect and publish certain information at least quarterly, and make it available to the public in a computer-searchable format. In employment cases, this includes the amount of the employee’s annual wage. The employee’s name will not appear in the database, but the employer’s name will be published. Please check the applicable box below:

- Less than \$100,000     \$100,000 to \$250,000     More than \$250,000     Decline to State

### WAIVER OF ARBITRATION FEES

In certain states (e.g. California), the law provides that consumers (as defined above) with a gross monthly income of less than 300% of the federal poverty guidelines are entitled to a waiver of the arbitration fees. In those cases, the respondent must pay 100% of the fees. Consumers must submit a declaration under oath stating the consumer’s monthly income and the number of persons living in his or her household. Please contact JAMS at 1-800-352-5267 for further information. Note: this requirement is not applicable in all states.



# Demand for Arbitration Form (continued)

## Instructions for Submittal of Arbitration to JAMS

### RESPONDENT #2 (PARTY ON WHOM DEMAND FOR ARBITRATION IS MADE)

RESPONDENT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

### RESPONDENT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY \_\_\_\_\_

FIRM/COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

### RESPONDENT #3 (PARTY ON WHOM DEMAND FOR ARBITRATION IS MADE)

RESPONDENT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

### RESPONDENT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY \_\_\_\_\_

FIRM/COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_



# Demand for Arbitration Form (continued)

Instructions for Submittal of Arbitration to JAMS

## CLAIMANT #2

CLAIMANT NAME _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

### CLAIMANT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY _____		
FIRM/COMPANY _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

## CLAIMANT #3

CLAIMANT NAME _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____

### CLAIMANT'S REPRESENTATIVE OR ATTORNEY (IF KNOWN)

REPRESENTATIVE/ATTORNEY _____		
FIRM/COMPANY _____		
ADDRESS _____		
CITY _____	STATE _____	ZIP _____
PHONE _____	FAX _____	EMAIL _____