



## Motion Practice Protocols for Parties & Representatives

Effective February 1, 2020

### Submitting a Motion

Pursuant to Rule 12(b) of the Minnesota Rules of No-Fault Arbitration Procedure, no prehearing motion or application may be submitted to the American Arbitration Association® (AAA®) by any party for consideration by an arbitrator until the following requirements are satisfied:

1. An arbitrator has been appointed in accordance with Rule 8;
2. The parties have conferred with each other in person, or by telephone, or in writing in an attempt to resolve their differences. The moving party shall initiate the conference;
3. The moving party shall include with its moving/application papers a certification that the movant has conferred with the other party and which states the outcome of that conference; and
4. The moving party has deposited a \$125.00 motion fee, per each motion, with the AAA. See *Rule 40(a)(1)*. Once the moving party submits the moving papers to the AAA, the moving party will be provided with an invoice for the motion fee deposit(s). Once the fee has been deposited with the AAA, the AAA will proceed in processing the motion.

Please note that the above requirements are per motion; therefore, if you are requesting more than one motion at a time, each requirement must be satisfied in order to complete your submission.

### Motion Response/Opposition

Once the moving party has satisfied all requirements under Rule 12(b), the AAA will request the comments of the nonmoving party with respect to the motion(s) filed. Pursuant to Rule 40(a)(2) of the Minnesota Rules of No-Fault Arbitration Procedure, the party opposing the motion shall pay to the AAA a motion fee in the amount of \$125.00 at the time the opposing party submits its opposition papers to the AAA.

Upon the submission of opposition papers, the AAA will provide the nonmoving party with an invoice for the motion fee deposit(s). The opposition papers will be provided to the arbitrator after the fee has been deposited.

Please note that the above requirement is per motion; therefore, if you are responding to more than one motion at a time, each response must include a motion fee deposit.

### Motion Fee Deposit

Pursuant to Rule 40(a) of the Minnesota Rules of No-Fault Arbitration Procedure, no motion shall be heard or decided by the arbitrator until all required fees have been deposited and papers submitted to the AAA.



To pay a motion fee deposit, both the moving and nonmoving party may utilize the following payment methods:

**Pay by Credit Card:** To expedite the process, the party may submit payment of the deposit through AAA WebFile®. Visit the AAA's website at [www.adr.org/mnnofault](http://www.adr.org/mnnofault) to view instructions on how to pay invoices online.

**Pay by Check:** To pay the deposit by check, please send your payment to the address below and include either a copy of the invoice or the AAA case number and party names.

American Arbitration Association  
2355 Highway 36 West, Suite 400  
Roseville, MN 55113

## Responsible Party

Pursuant to Rule 40(a) for each contested motion, the arbitrator shall be compensated \$100.00 and the AAA shall be compensated a \$25.00 administrative fee. The arbitrator shall direct which party is responsible for the fees, which will be paid from the fees deposited. The other party will receive a refund from the AAA.

## Uncontested Motions

Pursuant to Rule 40(a), of the Minnesota Rules of No-Fault Arbitration Procedure, in the event there is no response to a motion (filed with the arbitration organization and for which a motion fee has been deposited) by the deadline to respond as set forth in the AAA's written notice to the parties, the motion papers shall be submitted to the arbitrator for consideration.

For each motion in which there is no response, the arbitrator shall be compensated \$50.00 for the motion and the AAA shall be compensated a \$25.00 administrative fee, which shall be paid from the moving party's deposited motion fee. The moving party may assert a claim at the hearing for the portion of the motion fee deposited with the arbitration organization that is not subject to refund from the AAA.

## Withdrawing or Resolving a Motion

Pursuant to Rule 40(a) if the AAA is notified prior to submission to the arbitrator that the motion is withdrawn or resolved, the AAA shall refund the arbitrator's portion of the fee to any party who has paid a deposit. The AAA will retain the \$25.00 administrative fee from the moving party's deposit. The moving party may assert a claim at the hearing for the \$25.00 administrative fee paid.

If you have questions regarding the motion practice procedures or the application of the rules, please feel free to contact your case administrator or Krista Peach at [KristaPeach@adr.org](mailto:KristaPeach@adr.org) or by phone at 612-278-5114.