

PFEIFFER LAW

I. NOTICE, FILING AND FEES

The first step for the party initiating an Independent Film and Television Association (“IFTA”) arbitration (“Claimant”) is to provide notice to both the IFTA Arbitral Tribunal as well as the party being sued (“Respondent”). Separately serving proper notice to each of these parties will officially commence the arbitration proceedings. (IFTA Rules 2.1 and 2.2).

Contents and Delivery of the Notice of Arbitration

The actual Notice of Arbitration (“Notice”) must contain the following: 1) a demand for arbitration; 2) the names and basic information of the parties and their counsel; 3) a copy of the arbitration clause from the original contract between the parties as well as a copy of the original contract as a whole; 4) a statement of the nature of the dispute and the amount of money involved; and 5) any relief and/or remedy sought by the claimant. (IFTA Rule 2.4.1-7). Once all of this has been drafted, the Notice must be sent via fax, email (with confirmation of receipt), personal delivery, registered mail, or by courier to: 1) the Respondent; and 2) the offices of the Arbitral Tribunal at the following designation:

Arbitral Tribunal c/o The Arbitral Agent
10850 Wilshire Blvd., 9th Floor
Los Angeles, CA 90024, U.S.A.

The Notice may be sent to the Respondent at the address listed in the original agreement between the parties, any address provided by the Respondent, or any *known* last place of business, residence, or mailing address discovered by the Claimant. (IFTA Rule 2.3).

Filing Fee

The Notice to the Respondent and the Notice to the Arbitral Tribunal must be sent at the same time, and the Notice to the Arbitral Tribunal must include the required filing fee. (IFTA Rule 2.5).

The filing fee for an IFTA Arbitration is different for IFTA Member and Non-IFTA Members. If the parties wish to participate in a Pre-Arbitration Settlement Procedure, such a procedure is complimentary for IFTA members and will cost \$150 for Non-IFTA Members. (IFTA Schedule of Fees). The filing fee itself will be equal to 1% of the amount in dispute for both members and non-members, but there is an additional \$500 surcharge for non-members. (IFTA Schedule of Fees).

Arbitrator Fee

The arbitrator will require that the parties pay an initial deposit, from which the arbitrator will deduct his hourly fee. (IFTA Schedule of Fees). Any unused portion of the deposit will be returned to the parties who provided it once the arbitration has finished. The arbitrator's hourly rate is \$300/hour for members and \$350/hour for non-members. (IFTA Schedule of Fees).