

PFEIFFER LAW

VII. DEFAULT

Defining Default

If, after proper notice, one of the parties fails to respond to any demand by the arbitrator for documents or other materials, or fails to appear for a hearing or in any manner fails to conform to the requirements in the IFTA rules or any order from the arbitrator, the arbitrator may declare that party to be in default. (IFTA Rule 11.1).

Consequences of Default

The arbitrator may make appropriate orders or interim awards to require compliance, or can make a final award based on the evidence before the arbitrator. (IFTA Rule 11.1). However, the arbitrator may not issue a final award under these default rules unless the non-defaulting party has established a prima facie case to the satisfaction of the arbitrator. (IFTA Rule 11.1). No default shall ever be found after submitted for decision based solely on a party's failure to pay the arbitrator's fees. (IFTA Rule 11.1).