

**THE \$62,730,279.98 QUESTION:
ARBITRATION CLAUSES IN LEASES, MORTGAGES,
PURCHASE/SALE, FINANCE DOX?**

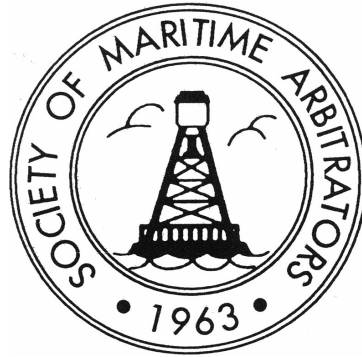
CAPITAL LINK FORUM, NYC, OCTOBER 9, 2018

MODERATOR: **Peter Skoufalos**—Partner, Brown Gavalas & Fromm LLP

Neil Quartaro – Of Counsel, Watson Farley & Williams, LLP

Jane Sarma – Partner, Reed Smith LLP

Daniel Schildt – Vice President, MT Maritime Management USA; SMA Arbitrator



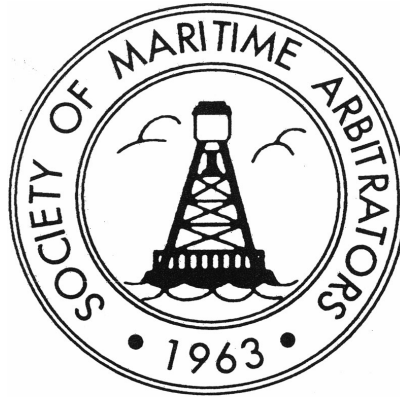
CONSOLIDATION OF DISPUTES

Section 2. Consolidation

Whenever a dispute or disputes arise under two or more contracts that are subject to these Rules and **concern a common question of fact or law or to a substantial degree involve the same transactions or series of transactions**, the parties, at the request of any of them, agree to resolve all such disputes in a consolidated arbitration before a consolidated panel of arbitrators . . . The method of arbitrator selection contained in this Section shall supersede any conflicting method of arbitrator selection contained in the contracts. The consolidated panel shall for all purposes be deemed the parties' duly appointed panel to hear and decide all qualifying disputes under the multiple contracts in a consolidated proceeding and render a final and binding consolidated award that may be made a rule of the court.

Whenever consolidation is required by this Section, the parties are free to agree upon a sole arbitrator, failing which the dispute(s) are to be submitted to a consolidated panel consisting of three arbitrators, one selected by the primary claimant, one by the ultimate defending party, and the third selected by the remaining intermediate or “pass-along” party or parties. . . .

(Rules of the Society of Maritime Arbitrators, March 14, 2018)



AVAILABILITY OF PRE-AWARD SECURITY

Section 30. Scope

The Panel shall grant any remedy or relief which it deems just and equitable including, but not limited to, specific performance and the posting of security for part or all of a claim or counterclaim in an amount determined by and in a form acceptable to the Panel. The Panel, in its Award, shall assess arbitration expenses and fees as provided in Sections 15, 36 and 37 and shall address the issue of attorneys' fees and costs incurred by the parties. The Panel is empowered to award reasonable attorneys' fees and expenses or costs incurred by a party or parties in the prosecution or defense of the case. . . .

(Rules of the Society of Maritime Arbitrators, March 14, 2018)