

**NOTICE OF INTENT TO SEEK BINDING ARBITRATION
DISPUTE RESOLUTION PROCESS**

PART I: TO BE COMPLETED BY MOVING PARTY

Date: _____

Moving Party (Company Name): _____ (SCAC Code): _____

(Contact Name): _____

(E-mail Address): _____

(Phone Number): _____ (Fax Number): _____

Moving Party agrees that prior to seeking arbitration under the DRP process that all established timelines for standard dispute resolution processes under the UIIA/Equipment Provider addenda regarding this matter have been met.

The above Moving Party seeks to initiate binding arbitration under the Dispute Resolution Process (DRP) and will submit to IANA within **15 days** from the date of the Responding Party's response to the initial dispute of these charges, this Notice of Intent and the necessary documentation outlined as the responsibility of the Moving Party on the following page entitled, "DRP REQUIRED DOCUMENTATION", in support of their dispute. **The Notice of Intent and all supporting documentation must be submitted at the same time.** Upon receipt of the information from Moving Party, IANA will forward a copy of the Notice of Intent along with a copy of the documentation provided to the Responding Party advising of the intent to arbitrate this matter.

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PART II: TO BE COMPLETED BY RESPONDING PARTY

Responding Party (Company Name): _____

(Contact Name): _____

(E-mail Address): _____

(Phone Number): _____ (Fax Number): _____

responding Party agrees that all established timelines for standard dispute resolution processes under the UIIA/Equipment Provider addenda regarding this matter have been met.

The above Responding Party must provide the information identified as the responsibility of the Responding Party in the DRP REQUIRED DOCUMENTATION document on the following page. In addition, the Responding Party must complete Part II of the Notice of Intent form and provide the required documentation to IANA within **15 days** from the date that IANA provides the documentation regarding the Moving Party's intention to initiate arbitration.

NOTE: IN THE ABSENCE OF A RESPONSE FROM RESPONDING PARTY, THE CASE WILL BE ARBITRATED BASED SOLELY ON THE INFORMATION PROVIDED BY THE MOVING PARTY.

All information should be submitted via e-mail to debbie.sasko@intermodal.org or via facsimile to 253-322-9985.

PART III. FEE's (To be remitted by Moving Party)

The Moving Party is responsible for payment of the Initiation Fee of \$50 that is charged upon submission of claim. The Initiation Fee will be assessed regardless whether or not after review of supporting documentation the claim meets the criteria for submission under the binding arbitration process. If claim is acceptable for submission and is forwarded to the arbitration panel then there will be an Arbitration Filing Fee of \$250. Payment of these fees must be remitted by credit card by completing the information below. Should you wish to mail the Notice of Intent to Seek Arbitration and documentation to our office, you may do so by sending the information to: **Intermodal Association of North America, 11785 Beltsville Drive, Suite 1100, Calverton, MD 20705-4048.**

Please complete the information below and submit the Notice of Intent to Seek Arbitration via e-mail to debbie.sasko@intermodal.org or via fax to 253-322-9985. **The charges for the fees will appear on your credit card statement as Intermodal Association of North America. (Note: Fees below are non-refundable).**

Initiation Fee: **\$50.00** **(Initiation Filing Fee will be charged upon receipt of your Notice of Intent to Seek Arbitration form)**

Arbitration Filing Fee: **\$250.00** **(Arbitration Filing Fee will only be charged if your arbitration claim goes to the panel for review)**

Check Type of Credit Card: Visa MasterCard American Express

Company name _____

Card # _____ Expiration Date _____

Name on Card _____ Signature _____

FOR IANA USE ONLY	DATE RECEIVED	INVOICE #	CHECK#CC APPROVAL	D M
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BINDING ARBITRATION PROCESS

REQUIRED DOCUMENTATION FOR SUBMITTING A **MAINTENANCE & REPAIR INVOICE DISPUTE**

The list below is the required documentation that Parties will need to provide when submitting claims under the Binding Arbitration. Please be sure to look at the documentation required for the type of claim your company will be submitting under this Process.

Check Off that Required Info has been included w/claim	Maintenance and Repair Disputes
Moving Party	Documentation to be Provided by Moving Party: (Please make sure to provide the information in the order shown below):
	<ul style="list-style-type: none"> • Notice of Intent to Seek Binding Arbitration form. Moving Party completes the top portion of form.
	<ul style="list-style-type: none"> • Filing fee form
	<ul style="list-style-type: none"> • Basis of dispute – a brief narrative describing the issue that would also include the following information: <ul style="list-style-type: none"> o Invoice date, Invoice number and amount you are disputing. o The date your company disputed the invoice with the EP o The date the EP responded to your dispute. o The provision of the UII Agreement you are basing your claim/argument on. o Details on when (date)/where (terminal name) the unit(s) were picked up and when/where the unit(s) were dropped off. o If this involves a chassis pool, please confirm if your company paid a rental fee on the chassis under dispute.
	<ul style="list-style-type: none"> • Copy of the Statement Summary (if applicable) & Invoice that is under dispute
	<ul style="list-style-type: none"> • Copy of the Repair Bill showing that the repairs were done (not an estimate).
	<ul style="list-style-type: none"> • Copies of the in and out-gate EIR's for each invoice provided (Please <u>do not</u> overlap the EIR's by copying them on one page, they should be on separate pages).
	<ul style="list-style-type: none"> • All e-mail communications showing that this invoice was properly disputed with the Responding Party. E-mail exchange must be provided in date order.
	<ul style="list-style-type: none"> • AGS gate images – If the in/out-gate was done at a facility that is equipped with AGS, please provide images in jpeg format.
	<ul style="list-style-type: none"> • Please provide any other documentation that you feel necessary to plead your case/argument
Responding Party	Documentation to be Provided by Responding Party: (Please make sure to provide the information in the order shown below):
	<ul style="list-style-type: none"> • Notice of Intent to Seek Binding Arbitration form. Responding Party completes the bottom portion of form.
	<ul style="list-style-type: none"> • Response to Moving Party's Dispute Claim – a brief narrative describing why you as the Responding Party believe the charges billed are justified.
	<ul style="list-style-type: none"> • Please provide any other documentation that you feel necessary to plead your case/argument

BINDING ARBITRATION PROCESS
REQUIRED DOCUMENTATION FOR SUBMITTING A PER DIEM INVOICE DISPUTE

The list below is the required documentation that Parties will need to provide when submitting claims under the Binding Arbitration. Please be sure to look at the documentation required for the type of claim your company will be submitting under this Process.

Check Off that Required Info has been included w/claim	Per Diem Disputes
Moving Party	Documentation to be Provided by Moving Party: (Please make sure to provide the information in the order shown below):
	<ul style="list-style-type: none"> • Notice of Intent to Seek Binding Arbitration form. Moving Party completes the top portion.
	<ul style="list-style-type: none"> • Filing fee form
	<ul style="list-style-type: none"> • Basis of dispute – a brief narrative describing the issue that would also include the following information: <ul style="list-style-type: none"> o Invoice date, Invoice number and amount you are disputing. o The date your company disputed the invoice with the EP o The date the EP responded to your dispute. o The provision of the UII Agreement you are basing your claim/argument on. o Details on when (date)/where (terminal name) the unit(s) were picked up and when/where the unit(s) were dropped off.
	<ul style="list-style-type: none"> • Copy of the Statement Summary (if applicable) & Invoice that is under dispute • Copies of the in and out-gate EIR's for each invoice provided (Please <u>do not</u> overlap the EIR's by coping them on one page, they should be on separate pages). • All e-mail communications showing that this invoice was properly disputed with the Responding Party. E-mail exchange must be provided in date order.
	<ul style="list-style-type: none"> • Please provide any other documentation that you feel necessary to plead your case/argument
Responding Party	Documentation to be Provided by Responding Party: (Please make sure to provide the information in the order shown below):
	<ul style="list-style-type: none"> • Notice of Intent to Seek Binding Arbitration form. Responding Party completes the bottom portion of form. • Response to Moving Party's Dispute Claim – a brief narrative describing why you as the Responding Party believe the charges billed are justified.
	<ul style="list-style-type: none"> • Please provide any other documentation that you feel necessary to plead your case/argument

EXHIBIT D TO THE UIIA
BINDING ARBITRATION PROCESS GUIDELINES
(Added to UIIA on 8/1/08)
(Last Revised 08/26/13)

1. This process is applicable for disputed transactions relating to Maintenance and Repair or Per Diem invoices between Providers and Users (Motor Carriers) of Equipment who are signatories to the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA). **[Revised 04/14/11]**
2. Disputes handled under the arbitration process will be mandatory and binding upon the Parties. The arbitration process will be administered exclusively by IANA. **[Revised 04/14/11]**
3. A three-member arbitration panel will be appointed by IANA to handle disputed invoices submitted for arbitration. The panel will consist of one IANA member from each mode, i.e. a Motor Carrier, Water Carrier and Railroad. However, the decision will be rendered by the two arbitrators representing the modes involved in the disputed invoice(s). The third appointed arbitrator from the mode not involved in the transaction will act as an alternate, and will render a decision only in the event the arbitrators from the involved modes cannot agree on a resolution of the dispute.
4. Members of the arbitration panels will serve on a voluntary basis without compensation, and for a period of one year. To qualify as an arbitrator the individual must have five years' operating experience involving such matters as gate interchanges, the yard procedures associated with vessels and trains, loading and unloading operations, the operations of marine and rail container yards, the receiving and delivery of containers, and/or with road equipment.
5. Disputes must be submitted to IANA in writing and in accordance with Section H.1. and must be accompanied by a filing fee made payable to IANA to cover the costs of the administration of the arbitration process. **[Revised 04/14/11]**
6. Disputes must be confined to charges arising from Maintenance and Repair (M & R) or Per Diem invoices. There will be no limitation on the **financial** amount in controversy. **The number of disputed invoices that may be consolidated under a single arbitration claim is limited to five (5) provided that they involve the same or related charges or unlimited if they involve identical facts and argument based on UIIA language.** **[Revised 08/26/2013]**
7. The arbitration process will be initiated by the Invoiced Party or the Invoicing Party (Moving Party) by the filing of: a Notice of Intent to Seek Arbitration **and information and arguments supporting the dispute including evidence that the applicable dispute resolution process had been followed, as set forth under Section H.1. Such Notice and required information may be submitted** to IANA by e-mail, facsimile, or overnight mail. Failure of the Moving Party to submit the required documentation as outlined above will result in the claim(s) being rejected. **[Revised 08/26/13]**
8. **IANA will review the Notice of Intent to Seek Arbitration and the required information and arguments. If IANA determines that the submitted claim (s) has already been addressed and resolved in a prior arbitration case, the claim (s) will be dismissed and the precedent in the former proceeding will be sent to the Moving and Responding Parties. The decision from the former proceeding will apply to the current claim(s).**

The Moving and/or Responding Parties will then have 10 days to provide additional information on why either the precedent does not apply to its claim or why the precedent is in conflict with the language of the Agreement, upon which IANA will commence the arbitration process. **[Revised 08/26/13]**

9. **The arbitration process will be commenced by IANA's transmittal of the Notice of Intent to Seek Arbitration and the required information and arguments to the appropriate individual in the Invoicing Party or Invoiced Party (Responding Party) organization designated to receive such Notice and information. The Responding Party will have 15 calendar days from the date of transmittal of the arbitration documents from IANA to respond.** Upon receipt of the Responding Party's documents, the complete record will be transmitted by IANA to the arbitrators. Failure of the Responding Party to respond to the claim (s) within this timeframe will result in the arbitration panel rendering its decision

Exhibit D of the UIIA (continued)

based solely on the supporting documentation submitted by the Moving Party, along with the terms and conditions of the UIIA and/or the Providers' Addenda. **[Revised 08/26/13]**

10. If during an arbitration panel's deliberations it appears that further clarification or explanation is needed from a Party or the Parties, a conference call may be conducted with both Parties in the arbitration process participating in the call.
11. The decision of the arbitration panel will be transmitted to IANA which will, in turn, forward the decision to the Parties by e-mail, facsimile, or overnight mail. The decision of the arbitration panel is final and no appeal is permitted.
12. If any part of an invoice submitted for arbitration is not disputed that part must be timely paid and cannot be withheld during the arbitration process. In response to the arbitration panel's decision, order of reimbursement, payment or cancellation of the invoice must occur within 15 days from the date of receipt of the arbitrators' decision. **[Revised 05/12/10]**
13. The cost of the filing fee is assessed against the Party against whom the arbitrators' decision is rendered. Should the filing fee have been paid by the prevailing party, it is entitled to reimbursement by the losing party.
14. Once the arbitration process has been initiated, no suspension, cancellation, termination or any type of interruption of the Motor Carrier's interchange privileges for the disputed claims may occur. The Provider and Motor Carrier, nevertheless, retain all their rights and remedies for the enforcement of the binding arbitration decision. **[Revised 04/14/11]**
15. Initiation of the arbitration process by a Motor Carrier does not preclude a Provider from suspending, cancelling, or terminating the interchange privileges of this Motor Carrier for reasons not related to the subject of the disputed claim and that are governed by the provisions of the UIIA and/or the Provider's Addendum. **[Revised 09/01/09]**
16. Invoices submitted for arbitration must arise on or after the announced effective date of the implementation of the program, which is August 1, 2008. **[Revised 04/14/11]**
17. Except for the decision by the arbitration panel, all documents, including e-mails, and oral and written communications generated under the Binding Arbitration Process and/or submitted by the Invoicing Party and Invoiced Party are confidential, and will not be released by IANA to any other person without the express written consent of all Parties to the arbitration. **[Revised 04/14/11]**

This list provides the Binding Arbitration contact for each Equipment Provider. This person will be the party that information relating to the Binding Arbitration Process program will be sent to and will be responsible for responding to these matters within the timeframes set forth in the BAP guidelines.

Company	First Name	Last Name	Phone	Fax	E-mail
APL Limited	Gene	Kemmerer	(615)727-7889	(615)727-8329	Gene_Kemmerer@apl.com
ACL/Grimaldi Group/Inarme	Heidi	LaBlue	(866)821-7449	(866)821-7419	hlablue@aclcargo.com
Bermuda Container Line	Chris	Dubina	(973)-242-6890	(973)242-6286	cdubina@balnwk.com
BNSF Railway Company	Sara	Warren	(817)867-0820	(817)593-2952	Sara.Warren@bnsf.com
Bridge Chassis Supply LLC (BCS)	Shannon	Fredericksen	(804)560-2581		Shannon.Fredericksen@us.kline.com
Canadian National/Illinois Central	Charisse	Hall	(708)332-5903	(708)332-3818	Charisse.hall@cn.ca
CPR-US	John	Akin	(630)860-4875	(630)860-4873	John_Akin@cpr.ca
China Shipping Container Line	Caroline	Kinuthia	(678)355-4073	(866)724-0708	Caroline.Kinuthia@csna.net
CMA-CGM (America) LLC	John	McKenzie	(877)556-6308	(703)341-1385	Usa.EXPCSV@cma-cgm.com
	CMA-CGM		--	--	usa.matdisputes@usa.cma-cgm.com
COFC Logistics LLC	Garry	Old	(419)725-0700	(419)754-2335	garry.old@cofclogistics.com
Compania Chilena De Navegacion	Jorge	Valdes	(786)845-9212 x119	(305)594-0145	ccniintermodal@agunsausa.com
Compania Sud-Americana De Vapores (CSAV)	Mike	LaRocca	(732)476-3165	(732)476-1724	mlarocca@csavagency-na.com
Consolidated Chassis Management LLC	Stephen	Bradshaw	(973)446-7900	(973)298-8930	SBradshaw@ccmpool.com
COSCO N.A./Cosco Cont./China Ocean Shpg	Karen	Mitchell	(281)765-6865	(281)765-6881	kmitchell@cosco-usa.com
CSX Intermodal Terminals, Inc.	Angela	Hill	(904)633-1872	(904)245-3109	Angela_Hill@csx.com
Eimskip USA, Inc.	David	Bright	(800)445-2654	(757)627-9367	db@eimskipusa.com
Evergreen Shipping Agency (America) Corp	Linda	Acebal	(201)761-3140	(888)320-9472	LindaAcebal@evergreen-shipping.us
Galborg Pte Ltd.	Connie	Chilton	(912)234-7221	(912)233-9867	Connie.chilton@biehlco.com
	Tom	Cooley	(713)895-7221	---	Tom.c@galborg.com
Hamburg Sud North America, Inc.	Bob	Bethune	(973)775-5457	(973)775-5346	Bob.Bethune@us.hamburgsud.com
Hanjin Shipping Co., Ltd.	Elliot	Han	(201)291-4696	(201)291-0071	ehan@us.hanjin.com
Hapag-Lloyd (America) Inc.	Thomas	Nettles	(732)885-3773	(732)885-6156	Thomas.Nettles@hlag.com
Horizon Lines of Alaska, LLC	Stacy	Hart	(972)813-5953	(877)886-7123	shart@horizonlines.com
Horizon Lines, LLC	Stacy	Hart	(972)813-5953	(877)886-7123	shart@horizonlines.com
Hyundai Merchant Marine, Inc.	Kathryn	Thompson	(972)373-3100	(972)373-3159	irkth@hmm21.com
Iowa Interstate Railroad	Liz	Pretz	(319)298-5425	(319)298-5454	eapretz@iaisrr.com
K-Line America, Inc.	Shannon	Fredericksen	(804)560-2581	(866)378-4692	Shannon.Fredericksen@US.Kline.com
Kansas City Southern Railway Co.	Steve	Bayless	(816)983-1880	(816)983-1555	sbayless@kcsouthern.com
Maersk Agency U.S.A.	Thomas	Mahon	(704)571-5233	(704)571-4640	thomas.mahon@maersk.com
	Al	Smeraldo	(704)571-2187	(704)571-4640	Al.Smeraldo@maersk.com
Matson Navigation Company	Tim	Warren	(800)662-8789	(480)968-7648	Eqctrl_phx@matson.com
Mediterranean Shipping Company USA, Inc.	Donnell	Thorn	(843)654-6068	(843)971-4151	dthorn@msc.us

Company	First Name	Last Name	Phone	Fax	E-mail
MOL (America), Inc.	Neobia	Davis	(630)812-3920	(630)812-3700	neobia.davis@mol-liner.com
National Shipping of America, LLC	Arlene	Heeneman	(415)956-9356	(415)397-1545	aheeneman@natship.us
Nippon Yusen Kaisha (NYK Line)	Dan	Mulligan	(201)553-3586	(201)330-9175	Dan.Mulligan@na.nykline.com
	Lexter	Babierra	(571)258-4930		Na.liner.billing@sg.nykline.com
Nordana Line	Chris	Harman	(713)895-3247	(713)895-3274	chh@nordanausa.com
Norfolk Southern	Terry	Forrey	(757)823-5411	(757)823-5934	Terry.Forrey@nscorp.com
North American Chassis Pool Cooperative	Alan	Witt	(615)255-1122	(615)780-3246	dmanning@tcwonline.com
OL&T FoodTrans LLC	Ray	Maier	(203)448-3900	(203)448-3889	raymaier@odysseylogistics.com
OOCL (USA), Inc.	Jay	Loughrige	(925)358-6709	(925)358-6778	Jay.loughrige@oocl.com
Pacer Stacktrain	Mark	Smith	(312)636-9420	(614)717-4148	Mark.smith@pacer.com
Pacific International Lines	Katherine	Daw	(251)219-3315	(251)433-1461	kdaw@nortonlilly.com
	Christina	Houseknecht	(251)219-3267		chouseknecht@nortonlilly.com
Pasha Hawaii Transport Lines LLC	Andy	Dunkle	(602)331-2315	(602)324-7595	adunkle@pashahi.com
Sea Star Line	Marisol	Schmidt	(904)855-1260	(904)725-9875	mschmidt@seastarline.com
Seaboard Marine Ltd.	Legal	Department	(305)863-4444	(305)863-4733	legal@seaboardmarine.com
Somers Isles Shipping	Robin	Bishop	(904)261-2662	(904)261-3704	rbishop@nfs-sisl.com
Swire Shipping	Louis	Malatesta	(201)560-1066	(201)560-1077	usa@swireshipping.com
Tiger Cool Express LLC	Ted	Prince	(913)305=3510	(913)305-3509	ted@tigercoolexpress.com
TransAtlantic Lines LLC	Jeanine	Battaglia	(203)625-5514	(203)863-9354	jeanine@transatlanticlines.com
Turkon Container Transp. & Shipping Inc.	John	Dunn	(201)866-6966	(201)866-6529	john@turkonamerica.com
Union Pacific Railroad Company	Gerry	Bisaillon	(402)544-6710	(402)501-2289	gbisaillon@up.com
	Elle	Spencer	(402)544-5784	(402)501-2289	LDSPENCER@UP.COM
United Arab Shipping	Chris	Barth	(678)775-1945	(770)263-8839	Chris.barth@uasc.net
	Tim	Dyke	(678)775-1900	(770)263-8839	Tim.dyke@uasc.net
US Lines LLC	Renee	Schreiber	(757)961-2574	(877)694-8423	Usa.rschreiber@usa.cma-cgm.com
	Donna	Spinelli	(757)961-2591	(703)341-1385	Usa.dspinelli@usa.cma-cgm.com
	Wendi	Cain	(714)751-3333	(714)751-3362	wacain@uslines.com
Virginia Intl Terminal (Va. Inland Port)	Stan	Crockett	(540)636-4200	(540)636-4244	scrockett@vit.org
Wan Hai Lines	Stacy	Combs			scombs@nortonlilly.com
	Debbie	Adams	(866)492-6424		dadams@nortonlilly.com
Yangming Marine Transport	Andrew	Lin	(201)420-5851	(201)420-1870	andrewlin@us.yangming.com
Zim Amer Integrated Shipping Svcs. Co LLC	Dennis	Messing	(757)383-6895	(757)321-7915	messing.dennis@us.zim.com

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