PRÓSPERA ARBITRATION CENTER (PAC)

PRECEDENTIAL ADJUDICATIVE ARBITRATION RULES FOR MODERATE, MAJOR, EXTRAORDINARY AND EQUITABLE CLAIMS

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Scope of These Rules

Article 1. Authority.

These Rules (including the "Rules of Civil Procedure for Moderate, Major, Extraordinary and Equitable Claims," the "Rules of Appellate Procedure for Moderate, Major, Extraordinary and Equitable Claims," and the "Rules of Evidence for Moderate, Major, Extraordinary and Equitable Claims") govern adjudicative arbitrations of disputes, including original trial level arbitrations and appellate arbitrations, as applicable, where the case and controversy involves equitable relief or a monetary claim having a value of at least $50,000.00 USD (which is not otherwise covered by the terms of a more specific set of Rules on the same subject matter). As contemplated by Próspera Arbitration Statute, §§2-1-37-4-0-0-29(2), (3), 48(6), 60(1), and 60(3), available at https://pzgps.hn, these Rules govern public precedential proceedings by default. To initiate and participate in a private non-precedential arbitration or mediation, the parties must have paid or caused to be paid the privacy surcharge as may be posted from time to time at https://pzgps.hn or https://pac.hn/; and any such private, non-precedential arbitration or mediation will be governed by the separate Private Alternative Dispute Resolution Rules unless otherwise agreed by the parties. The Próspera Arbitration Center (PAC) through its website designated process recipient, who is the CEO or his delegate, is the Administrator of these Rules.

Article 2. Overview.

These Rules adopt the corresponding U.S. Federal Court Rules in effect as of November 10, 2019 with such modifications as the PAC has determined are necessary to conform and implement the Próspera Arbitration Statute.

Article 3. Administration.

These Rules specify the duties and responsibilities of the PAC. The Administrator may provide services through any of the PAC's case management offices or arbitral institutions with which the PAC has agreements of cooperation. Arbitrations administered under these Rules shall be administered only by the PAC or by an individual or organization authorized by the PAC. The application of these Rules presumes the timely payment of all necessary arbitration fees by the parties.

PAC Rules of Civil Procedure for Moderate, Major, Extraordinary and Equitable Claims

TITLE I. SCOPE OF RULES; FORM OF ACTION

Rule 1 – Scope and Purpose

These rules govern the procedure in all civil actions and proceedings in the PAC Trial Arbitral Tribunals involving equitable relief or a monetary claim having a value of at least $50,000.00 USD, which has not been assigned to any special division of the PAC by Próspera Rule or PAC Administrative Order. They should be construed, administered, and employed by the arbitral tribunal and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

Rule 2 – One Form of Action

There is one form of action—the civil action.

TITLE II. COMMENCING AN ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

Rule 3 – Commencing an Action

A civil action is commenced by filing a complaint and summons in writing with the Administrator. The Complainant ("plaintiff") may also initiate the arbitration through the Administrator's online filing system located at https://pzgps.hn or https://pac.hn. The arbitration shall be deemed to commence on the date on which the Administrator receives the complaint.

Rule 4 – Summons

(a) Contents; Amendments.

(1) Contents. A summons must:

(A) name the arbitral tribunal and the parties;

(B) be directed to the defendant;

(C) state the name and address of the plaintiff's attorney or–if unrepresented–of the plaintiff;

(D) state the time within which the defendant must appear and defend;

(E) notify the defendant that a failure to appear and defend will result in a default award against the defendant for the relief demanded in the complaint;

(F) be signed by the Administrator; and

(G) bear the arbitral tribunal's seal.

(2) Amendments. The arbitral tribunal may permit a summons to be amended.

(b) Issuance. On or after filing the complaint, the plaintiff may present a summons to the Administrator for signature and seal. If the summons is properly completed, the Administrator must sign, seal, and cause both the summons and complaint to be served on the counterparty ("defendant") who has agreed or is deemed to have agreed to submit to the jurisdiction of the default Arbitration Service Provider by electronic mail at the defendant's Registered Próspera (e)Resident Email Address (delivery receipt requested) or, if none, the Administrator shall notify the plaintiff of its obligation to serve the summons on the counterparty by appropriate means, furnishing the plaintiff with a duly signed and sealed copy of the summons previously filed. A summons–or a copy of a summons that is addressed to multiple defendants–must be issued for each defendant to be served. A plaintiff may also voluntarily elect to serve a summons and complaint by means in addition to the Administrator's service by electronic mail at the counterparty's Registered Próspera (e)Resident Email Address.

(c) Service.

(1) In General. A summons must be served with a copy of the complaint. If the defendant has agreed or is deemed to have agreed to submit to the jurisdiction of the default Arbitration Service Provider and has a valid Próspera (e)Resident Email Address, the Administrator is responsible for ensuring the summons and complaint is served within the time allowed by Rule 4(m). Otherwise, the plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) By Whom (where plaintiff is responsible for service). Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) By Someone Specially Appointed (where plaintiff is responsible for service). At the plaintiff's request, the arbitral tribunal may order that service be made by a person specially appointed by the arbitral tribunal. The arbitral tribunal must so order if the plaintiff is authorized to proceed in forma pauperis.

(d) Waiving Service (where plaintiff is responsible for service).

(1) Requesting a Waiver. An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action was commenced and request that the defendant waive service of a summons. The notice and request must:

(A) be in writing or electronic and be addressed:

(i) to the individual defendant; or

(ii) for a defendant subject to service under Rule 4(h), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;

(B) name the arbitral tribunal where the complaint was filed;

(C) be accompanied by a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form;

(D) inform the defendant, using the form appended to this Rule 4, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable time of at least 30 days after the request was sent–or at least 60 days if sent to the defendant outside the jurisdiction of the Próspera ZEDE–to return the waiver; and

(G) be sent by first-class mail or other reliable means.

(2) Failure to Waive. If a defendant located within the jurisdiction of Próspera ZEDE fails, without good cause, to sign and return a waiver (physically or

electronically) requested by a plaintiff located within the Próspera ZEDE, the arbitral tribunal must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) Time to Answer After a Waiver. A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent–or until 90 days after it was sent to the defendant outside any the jurisdiction of the Próspera ZEDE.

(4) Results of Filing a Waiver. When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) Jurisdiction and Venue Not Waived. Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) [reserved]

(f) Serving an Individual outside of the jurisdiction of Próspera ZEDE. Unless Próspera ZEDE Rule provides otherwise, an individual–other than a minor, an incompetent person, or a person whose waiver was filed–may be served at a place not within the jurisdiction of the Próspera ZEDE:

(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(A) as prescribed by the foreign country's law for service in that country in an action in its arbitral tribunals or courts of general jurisdiction;

(B) as the foreign authority directs in response to a letter rogatory or letter of request; or

(C) unless prohibited by the foreign country's law, by:

(i) delivering a copy of the summons and of the complaint to the individual personally; or

(ii) using any form of mail that the Administrator addresses and sends to the individual and that requires a signed receipt; or

(3) by other means not prohibited by international agreement, as the arbitral tribunal orders.

(g) Serving a Minor or an Incompetent Person. A minor or an incompetent person within the jurisdiction of the Próspera ZEDE must be served by the Administrator by electronic mail on the responsible resident's Registered Próspera (e)Resident Email Address (delivery receipt requested) if such resident has agreed or is deemed to have agreed to submit to the jurisdiction of the default Arbitration Service Provider on behalf of the minor or incompetent person and, if none, by the same method otherwise prescribed for the plaintiff in serving a defendant. A minor or an incompetent person who is not within the jurisdiction of the Próspera ZEDE must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).

(h) Serving a Corporation, Partnership, or Association. Unless Próspera ZEDE Rule provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) if subject to the jurisdiction of Próspera ZEDE:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and-if the agent is one authorized by rule and the rule so requires-by also mailing a copy of each to the defendant; or

(2) if not subject to the jurisdiction of the Próspera ZEDE, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2(C)(i).

(i) Serving the Próspera ZEDE and its Agencies, Corporations, Officers, or Employees, as well as the General Service Provider.

(1) Próspera ZEDE. To serve the Próspera ZEDE, a party must:

(A)

(i) deliver a copy of the summons and of the complaint to the Próspera ZEDE Technical Secretary or to an ad hoc Secretary or clerical employee whom the Próspera ZEDE Technical Secretary designates in a writing filed with the arbitral tribunal Administrator

(ii) [reserved]

(B) [reserved]; and

(C) if the action challenges an order or decision of a nonparty agency or officer of the Próspera ZEDE, send a copy of each by registered or certified mail to the agency or officer or by other reliable means.

(2) Agency; Corporation; General Service Provider; Officer or Employee Sued in an Official Capacity. To serve a Próspera ZEDE agency or corporation, the Próspera General Service Provider, or a Próspera ZEDE officer or employee sued only in an official capacity, a party must serve the Próspera ZEDE and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, General Service Provider, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a Próspera ZEDE officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the Próspera ZEDE' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the Próspera ZEDE and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) Extending Time. The arbitral tribunal must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served one of the required service recipients or

(B) serve the Próspera ZEDE under Rule 4(i)(3), if the party has served any Próspera ZEDE officer or employee.

(j) [reserved]

(1) [reserved]

(2) [reserved]

(A) [reserved]; or

(B) [reserved].

(k) Territorial Limits of Effective Service.

(1) In General. Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of Próspera ZEDE;

(B) who is a party joined under Rule 14 or 19 and is served within the Próspera ZEDE and not more than 100 miles/160 kilometers from where the summons was issued; or

(C) when authorized by a Próspera Rule.

(2) [reserved]:

(A) [reserved]

(B) [reserved]

(I) Proving Service.

(1) Affidavit Required. Unless service is waived, proof of service must be made to the arbitral tribunal. Proof must be by the server's affidavit.

(2) Service Not by Electronic Mail with Delivery Receipt on Registered Próspera (e)Resident Email Address. Service not by electronic mail as aforesaid must be proved as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention; or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the arbitral tribunal that the summons and complaint were delivered to the addressee.

(3) Validity of Service; Amending Proof. Failure to prove service does not affect the validity of service. The arbitral tribunal may permit proof of service to be amended.

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the arbitral tribunal – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the arbitral tribunal must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1) or to service of a notice under Rule 71.1(d)(3)(A).

(n) Asserting Jurisdiction Over Property or Assets.

(1) Próspera ZEDE Rule. The arbitral tribunal may assert jurisdiction over property if authorized by Próspera ZEDE Rule. Notice to claimants of the property must be given by serving a summons under this rule.

(2) [reserved]

Rule 4.1 – Serving Other Process

(a) In General. If the intended recipient of process, other than a summons under Rule 4, has a Registered Próspera (e)Resident Email Address and has agreed or is deemed to have agreed to submit to the jurisdiction of the default Arbitration Service Provider, then the Administrator shall cause service of process by electronic mail with delivery receipt requested. Otherwise process must be served by a person specially appointed for that purpose. It may be served anywhere within the territorial limits of Próspera ZED where the trial arbitral tribunal is located and, if authorized by a Próspera ZEDE Rule, beyond those limits. Proof of service must be made under Rule 4(l).

(b) [reserved]

Rule 5 – Serving and Filing Pleadings and Other Papers

(a) Service: When Required.

(1) In General. Unless these rules provide otherwise, each of the following papers must be served on every party:

(A) an order stating that service is required;

(B) a pleading filed after the original complaint, unless the arbitral tribunal orders otherwise under Rule 5(c) because there are numerous defendants;

(C) a discovery paper required to be served on a party, unless the arbitral tribunal orders otherwise;

(D) a written motion, except one that may be heard ex parte; and

(E) a written notice, appearance, demand, or offer of award, or any similar paper.

(2) If a Party Fails to Appear. No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under Rule 4.

(3) Seizing Property. If an action is begun by seizing property and no person is or need be named as a defendant, any service required before the filing of an appearance, answer, or claim must be made on the person who had custody or possession of the property when it was seized.

(b) Service: How Made.

(1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the arbitral tribunal orders service on the party.

(2) Service in General. A paper is served under this rule by:

(A) handing it to the person;

(B) leaving it:

(i) at the person's office with an Administrator or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

(ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(C) mailing it to the person's last known address—in which event service is complete upon mailing;

(D) leaving it with the arbitral tribunal Administrator if the person has no known address;

(E) sending it to a person who has a Registered Próspera (e)Resident Email Address by filing it with the arbitral tribunal's electronic-filing system, which shall cause such service with delivery receipt requested, or sending it by other electronic means that the person consented to in writing—in either of which events service is complete upon filing or sending, but is not effective if the filer or sender learns that it did not reach the person to be served; or

(F) delivering it by any other means that the person consented to in writing—in which event service is complete when the person making service complies with the terms of such consent.

(3) [reserved]

(c) Serving Numerous Defendants.

(1) In General. If an action involves an unusually large number of defendants, the arbitral tribunal may, on motion or on its own, order that:

(A) defendants' pleadings and replies to them need not be served on other defendants;

(B) any crossclaim, counterclaim, avoidance, or affirmative defense in those pleadings and replies to them will be treated as denied or avoided by all other parties; and

(C) filing any such pleading and serving it on the plaintiff constitutes notice of the pleading to all parties.

(2) Notifying Parties. A copy of every such order must be served on the parties as the arbitral tribunal directs.

(d) Filing.

(1) Required Filings; Certificate of Service.

(A) Papers after the Complaint. Any paper after the complaint that is required to be served—must be filed no later than a reasonable time after service. But disclosures under Rule 26(a)(1) or (2) and the following discovery requests and responses must not be filed until they are used in the proceeding or the arbitral tribunal orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.

(B) Certificate of Service. No certificate of service is required when a paper is served by filing it with the arbitral tribunal's electronic-filing system. When a paper that is required to be served is served by other means:

(i) if the paper is filed, a certificate of service must be filed with it or within a reasonable time after service; and

(ii) if the paper is not filed, a certificate of service need not be filed unless filing is required by arbitral tribunal order .

(2) Nonelectronic Filing. A paper not filed electronically is filed by delivering it:

(A) to the Administrator; or

(B) to an Arbiter (including Senior Arbiter, Arbiter or Arbitral Officer, as applicable) who agrees to accept it for filing, and who must then note the filing date on the paper and promptly send it to the Administrator.

(3) Electronic Filing and Signing.

(A) By a Represented Person—Generally Required; Exceptions. A person represented by an attorney must file electronically, unless nonelectronic filing is allowed by the arbitral tribunal for good cause or is allowed or required by local rule.

(B) By an Unrepresented Person—When Allowed or Required. A person not represented by an attorney:

(i) may file electronically only if allowed by arbitral tribunal order ; and

(ii) may be required to file electronically only by arbitral tribunal order, or by a local rule that includes reasonable exceptions.

(C) Signing. A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

(D) Same as a Written Paper. A paper filed electronically is a written paper for purposes of these rules.

(4) Acceptance by the trial arbitral tribunal. The Administrator must not refuse to file a paper solely because it is not in the form prescribed by these rules.

Rule 5.1 – Constitutional or Organic Law Challenge to a Próspera ZEDE Rule

(a) Notice by a Party. A party that files a pleading, written motion, or other paper drawing into question the constitutionality or lawfulness under any applicable organic law of a Próspera ZEDE Rule must promptly:

(1) file a notice of constitutional/organic law question stating the question and identifying the paper that raises it, if:

(A) a Próspera ZEDE Rule is questioned and the parties do not include the Próspera ZEDE, one of its agencies, or one of its officers or employees in an official capacity; or

(B) [reserved]; and

(2) serve the notice and paper on the Technical Secretary and Council Secretary of the Próspera ZEDE if a Próspera ZEDE Rule is questioned—either by certified or registered mail, or equivalently reliable means, or by sending it to an electronic address designated for this purpose.

(b) Certification by the Arbitral Tribunal. The arbitral tribunal must certify to the Technical Secretary and Council Secretary that a Próspera ZEDE Rule has been questioned.

(c) Intervention; Final Decision on the Merits. Unless the arbitral tribunal sets a later time, the Próspera ZEDE may intervene within 60 days after the notice is filed or after the arbitral tribunal certifies the challenge, whichever is earlier. Before the time to intervene expires, the arbitral tribunal may reject the constitutional/organic law challenge, but may not enter a final award holding the Próspera ZEDE Rule unconstitutional or illegal.

(d) No Forfeiture. A party's failure to file and serve the notice, or the arbitral tribunal's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

Rule 5.2 – Privacy Protection for Filings Made with the Arbitral Tribunal

(a) Redacted Filings. Unless the arbitral tribunal orders otherwise, in an electronic or paper filing with the arbitral tribunal that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

(1) the last four digits of the social-security number and taxpayer-identification number;

(2) the year of the individual's birth;

(3) the minor's initials; and

(4) the last four digits of the financial-account number.

(b) Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following:

(1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;

(2) the record of an administrative or agency proceeding;

(3) the official record of an arbitral tribunal proceeding;

(4) the record of an arbitral tribunal or tribunal, if that record was not subject to the redaction requirement when originally filed;

(5) a filing covered by Rule 5.2(c) or (d); and

(6) [reserved]

(c) [reserved]

(1) [reserved]

(2) [reserved]

(A) [reserved]

(B) [reserved]

(d) Filings Made Under Seal. The arbitral tribunal may order that a filing be made under seal without redaction. The arbitral tribunal may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) Protective Orders. For good cause, the arbitral tribunal may by order in a case:

(1) require redaction of additional information; or

(2) limit or prohibit a nonparty's remote electronic access to a document filed with the arbitral tribunal.

(f) Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The arbitral tribunal must retain the unredacted copy as part of the record.

(g) Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

(h) Waiver of Protection of Identifiers. A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

Rule 6 – Computing and Extending Time; Time for Motion Papers

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in any local rule or arbitral tribunal order, or in any Próspera ZEDE Rule that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(2) Period Stated in Hours. When the period is stated in hours:

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(3) Inaccessibility of the Administrator's Office. Unless the arbitral tribunal orders otherwise, if the Administrator's office is inaccessible:

(A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 6(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(4) "Last Day" Defined. Unless a different time is set by a Próspera ZEDE Rule, local rule, or arbitral tribunal order, the last day ends:

(A) for electronic filing, at midnight in the arbitral tribunal's time zone; and

(B) for filing by other means, when the Administrator's office is scheduled to close.

(5) "Next Day" Defined. The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) "Legal Holiday" Defined. "Legal holiday" means:

(A) the day set aside by Próspera ZEDE Rule for observing New Year's Day, Charter Day, Columbus Day, Thanksgiving Day, or Christmas Day;

(B) any day declared a holiday by the Technical Secretary and Council of Próspera ZEDE; and

(C) [reserved]

(b) Extending Time.

(1) In General. When an act may or must be done within a specified time, the arbitral tribunal may, for good cause, extend the time:

(A) with or without motion or notice if the arbitral tribunal acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

(2) Exceptions. An arbitral tribunal must not extend the time to act under Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).

(c) Motions, Notices of Hearing, and Affidavits.

(1) In General. A written motion and notice of the hearing must be served at least 14 days before the time specified for the hearing, with the following exceptions:

(A) when the motion may be heard ex parte;

(B) when these rules set a different time; or

(C) when an arbitral tribunal order—which a party may, for good cause, apply for ex parte—sets a different time.

(2) Supporting Affidavit. Any affidavit supporting a motion must be served with the motion. Except as Rule 59(c) provides otherwise, any opposing affidavit must be served at least 7 days before the hearing, unless the arbitral tribunal permits service at another time.

(d) Additional Time After Certain Kinds of Service. When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the Administrator), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

TITLE III. PLEADINGS AND MOTIONS

Rule 7 – Pleadings Allowed; Form of Motions and Other Papers

(a) Pleadings. Only these pleadings are allowed:

(1) a complaint;

(2) an answer to a complaint;

(3) an answer to a counterclaim designated as a counterclaim;

(4) an answer to a crossclaim;

(5) a third-party complaint;

(6) an answer to a third-party complaint; and

(7) if the arbitral tribunal orders one, a reply to an answer.

(b) Motions and Other Papers.

(1) In General. A request for an arbitral tribunal order must be made by motion. The motion must:

(A) be in writing unless made during a hearing or trial;

(B) state with particularity the grounds for seeking the order; and

(C) state the relief sought.

(2) Form. The rules governing captions and other matters of form in pleadings apply to motions and other papers.

Rule 7.1 – Corporate Disclosure Statement

(a) Who Must File; Contents. A non-governmental corporate party must file 2 copies of a disclosure statement that:

(1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or

(2) states that there is no such corporation.

(b) Time to File; Supplemental Filing. A party must:

(1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the arbitral tribunal; and

(2) promptly file a supplemental statement if any required information changes.

Rule 8 – General Rules of Pleading

(a) Claim for Relief. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the arbitral tribunal's jurisdiction, unless the arbitral tribunal already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

(b) Defenses; Admissions and Denials.

(1) In General. In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it; and

(B) admit or deny the allegations asserted against it by an opposing party.

(2) Denials—Responding to the Substance. A denial must fairly respond to the substance of the allegation.

(3) General and Specific Denials. A party that intends in good faith to deny all the allegations of a pleading—including the jurisdictional grounds—may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted.

(4) Denying Part of an Allegation. A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.

(5) Lacking Knowledge or Information. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

(6) Effect of Failing to Deny. An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

(c) Affirmative Defenses.

(1) In General. In responding to a pleading, a party must affirmatively state any avoidance or affirmative defense, including:

(A) accord and satisfaction;
(B) arbitration and award;
(C) assumption of risk;
(D) contributory negligence;
(E) duress;
(F) estoppel;
(G) failure of consideration;
(H) fraud;
(I) illegality;
(J) injury by fellow servant;
(K) laches;
(L) license;
(M) payment;
(N) release;
(O) res judicata;
(P) Statute of frauds;
(Q) Statute of limitations; and
(R) waiver.

(2) Mistaken Designation. If a party mistakenly designates a defense as a counterclaim, or a counterclaim as a defense, the arbitral tribunal must, if justice requires, treat the pleading as though it were correctly designated, and may impose terms for doing so.

(d) Pleading to Be Concise and Direct; Alternative Statements; Inconsistency.

(1) In General. Each allegation must be simple, concise, and direct. No technical form is required.

(2) Alternative Statements of a Claim or Defense. A party may set out 2 or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.

(3) Inconsistent Claims or Defenses. A party may state as many separate claims or defenses as it has, regardless of consistency.

(e) Construing Pleadings. Pleadings must be construed so as to do justice.

Rule 9 – Pleading Special Matters

(a) Capacity or Authority to Sue; Legal Existence.

(1) In General. Except when required to show that the arbitral tribunal has jurisdiction, a pleading need not allege:

(A) a party's capacity to sue or be sued;

(B) a party's authority to sue or be sued in a representative capacity; or

(C) the legal existence of an organized association of persons that is made a party.

(2) Raising Those Issues. To raise any of those issues, a party must do so by a specific denial, which must state any supporting facts that are peculiarly within the party's knowledge.

(b) Fraud or Mistake; Conditions of Mind. In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

(c) Conditions Precedent. In pleading conditions precedent, it suffices to allege generally that all conditions precedent have occurred or been performed. But when denying that a condition precedent has occurred or been performed, a party must do so with particularity.

(d) Official Document or Act. In pleading an official document or official act, it suffices to allege that the document was legally issued or the act legally done.

(e) Award. In pleading an award or decision of a domestic or foreign arbitral tribunal, a judicial or quasi-judicial tribunal, or a board or officer, it suffices to plead the award or decision without showing jurisdiction to render it.

(f) Time and Place. An allegation of time or place is material when testing the sufficiency of a pleading.

(g) Special Damages. If an item of special damage is claimed, it must be specifically stated.

(h) [reserved]

(1) [reserved]

(2) [reserved]

Rule 10 – Form of Pleadings

(a) Caption; Names of Parties. Every pleading must have a caption with the arbitral tribunal's name, a title, a file number, and a Rule 7(a) designation. The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.

(b) Paragraphs; Separate Statements. A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances. A later pleading may refer by number to a paragraph in an earlier pleading. If doing so would promote clarity, each claim founded on a separate transaction or occurrence—and each defense other than a denial—must be stated in a separate count or defense.

(c) Adoption by Reference; Exhibits. A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion. A copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes.

Rule 11 – Signing Pleadings, Motions, and Other Papers; Representations to the Arbitral Tribunal; Sanctions

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or Próspera ZEDE Rule specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The arbitral tribunal must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(b) Representations to the Arbitral Tribunal. By presenting to the arbitral tribunal a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the arbitral tribunal determines that Rule 11(b) has been violated, the arbitral tribunal may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the arbitral tribunal if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the arbitral tribunal sets. If warranted, the arbitral tribunal may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

(3) On the Arbitral Tribunal's Initiative. On its own, the arbitral tribunal may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into the arbitral tribunal; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

(5) Limitations on Monetary Sanctions. The arbitral tribunal must not impose a monetary sanction:

(A) against a represented party for violating Rule 11(b)(2); or

(B) on its own, unless it issued the show-cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(6) Requirements for an Order. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) Inapplicability to Discovery. This rule does not apply to disclosures and discovery requests, responses, objections, and motions under Rules 26 through 37.

Rule 12 – Defenses and Objections: When and How Presented; Motion for Award on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(a) Time to Serve a Responsive Pleading.

(1) In General. Unless another time is specified by this rule or a Próspera ZEDE Rule, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer:

(i) within 21 days after being served with the summons and complaint; or

(ii) if it has timely waived service under Rule 4(d), within 60 days after the request for a waiver was sent, or within 90 days after it was sent to the defendant not amenable to service at a Registered (e)Resident Email Address maintained in the Personal or Entity Registry of Próspera ZEDE.

(B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

(2) Próspera ZEDE and Its Agencies, Officers, or Employees Sued in an Official Capacity. The Próspera ZEDE, a Próspera ZEDE agency, or a Próspera ZEDE officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the Próspera ZEDE attorney.

(3) Próspera ZEDE Officers or Employees Sued in an Individual Capacity. A Próspera ZEDE officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the Próspera ZEDE behalf must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the officer or employee or service on the Próspera ZEDE attorney, whichever is later.

(4) Effect of a Motion. Unless the arbitral tribunal sets a different time, serving a motion under this rule alters these periods as follows:

(A) if the arbitral tribunal denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the arbitral tribunal's action; or

(B) if the arbitral tribunal grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

(b) How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

(1) lack of subject-matter jurisdiction;

(2) lack of personal jurisdiction;

(3) improper venue;

(4) insufficient process;

(5) insufficient service of process;

(6) failure to state a claim upon which relief can be granted; and

(7) failure to join a party under Rule 19.

A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed. If a pleading sets out a claim for relief that does not require a responsive pleading, an opposing party may assert at trial any defense to that claim. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion.

(c) Motion for Award on the Pleadings. After the pleadings are closed—but early enough not to delay trial—a party may move for award on the pleadings.

(d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the arbitral tribunal, the motion must be treated as one for summary award under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

(e) Motion for a More Definite Statement. A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. If the arbitral tribunal orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the arbitral tribunal sets, the arbitral tribunal may strike the pleading or issue any other appropriate order.

(f) Motion to Strike. The arbitral tribunal may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The arbitral tribunal may act:

(1) on its own; or

(2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

(g) Joining Motions.

(1) Right to Join. A motion under this rule may be joined with any other motion allowed by this rule.

(2) Limitation on Further Motions. Except as provided in Rule 12(h)(2) or (3), a party that makes a motion under this rule must not make another motion under this rule raising a defense or objection that was available to the party but omitted from its earlier motion.

(h) Waiving and Preserving Certain Defenses.

(1) When Some Are Waived. A party waives any defense listed in Rule 12(b)(2)–(5) by:

(A) omitting it from a motion in the circumstances described in Rule 12(g)(2); or

(B) failing to either:

(i) make it by motion under this rule; or

(ii) include it in a responsive pleading or in an amendment allowed by Rule 15(a)(1) as a matter of course.

(2) When to Raise Others. Failure to state a claim upon which relief can be granted, to join a person required by Rule 19(b), or to state a legal defense to a claim may be raised:

(A) in any pleading allowed or ordered under Rule 7(a);

(B) by a motion under Rule 12(c); or

(C) at trial.

(3) Lack of Subject-Matter Jurisdiction. If the arbitral tribunal determines at any time that it lacks subject-matter jurisdiction, the arbitral tribunal must dismiss the action.

(i) Hearing Before Trial. If a party so moves, any defense listed in Rule 12(b)(1)–(7)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the arbitral tribunal orders a deferral until trial.

Rule 13 – Counterclaim and Crossclaim

(a) Compulsory Counterclaim.

(1) In General. A pleading must state as a counterclaim any claim that—at the time of its service—the pleader has against an opposing party if the claim:

(A) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim; and

(B) does not require adding another party over whom the arbitral tribunal cannot acquire jurisdiction.

(2) Exceptions. The pleader need not state the claim if:

(A) when the action was commenced, the claim was the subject of another pending action; or

(B) the opposing party sued on its claim by attachment or other process that did not establish personal jurisdiction over the pleader on that claim, and the pleader does not assert any counterclaim under this rule.

(b) Permissive Counterclaim. A pleading may state as a counterclaim against an opposing party any claim that is not compulsory.

(c) Relief Sought in a Counterclaim. A counterclaim need not diminish or defeat the recovery sought by the opposing party. It may request relief that exceeds in amount or differs in kind from the relief sought by the opposing party.

(d) Counterclaim Against the Próspera ZEDE. These rules do not expand the right to assert a counterclaim—or to claim a credit—against the Próspera ZEDE or a Próspera ZEDE officer or agency.

(e) Counterclaim Maturing or Acquired After Pleading. The arbitral tribunal may permit a party to file a supplemental pleading asserting a counterclaim that matured or was acquired by the party after serving an earlier pleading.

(f) [reserved]

(g) Crossclaim Against a Co-party. A pleading may state as a crossclaim any claim by one party against a co-party if the claim arises out of the transaction or occurrence that is the subject matter of the original action or of a counterclaim, or if the claim relates to any property that is the subject matter of the original action. The crossclaim may include a claim that the co-party is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.

(h) Joining Additional Parties. Rules 19 and 20 govern the addition of a person as a party to a counterclaim or crossclaim.

(i) Separate Trials; Separate Awards. If the arbitral tribunal orders separate trials under Rule 42(b), it may enter award on a counterclaim or crossclaim under Rule 54(b) when it has jurisdiction to do so, even if the opposing party's claims have been dismissed or otherwise resolved.

Rule 14 – Third-Party Practice

(a) When a Defending Party May Bring in a Third Party.

(1) Timing of the Summons and Complaint. A defending party may, as third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it. But the third-party plaintiff must, by

motion, obtain the arbitral tribunal's leave if it files the third-party complaint more than 14 days after serving its original answer.

(2) Third-Party Defendant's Claims and Defenses. The person served with the summons and third-party complaint—the "third-party defendant":

(A) must assert any defense against the third-party plaintiff's claim under Rule 12;

(B) must assert any counterclaim against the third-party plaintiff under Rule 13a, and may assert any counterclaim against the third-party plaintiff under Rule 13(b) or any crossclaim against another third-party defendant under Rule 13(g);

(C) may assert against the plaintiff any defense that the third-party plaintiff has to the plaintiff's claim; and

(D) may also assert against the plaintiff any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff.

(3) Plaintiff's Claims Against a Third-Party Defendant. The plaintiff may assert against the third-party defendant any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The third-party defendant must then assert any defense under Rule 12 and any counterclaim under Rule 13(a), and may assert any counterclaim under Rule 13(b) or any crossclaim under Rule 13(g).

(4) Motion to Strike, Sever, or Try Separately. Any party may move to strike the third-party claim, to sever it, or to try it separately.

(5) Third-Party Defendant's Claim Against a Nonparty. A third-party defendant may proceed under this rule against a nonparty who is or may be liable to the third-party defendant for all or part of any claim against it.

(6) Third-Party Complaint In Rem. If it is within the admiralty or maritime jurisdiction, a third-party complaint may be in rem. In that event, a reference in this rule to the "summons" includes the warrant of arrest, and a reference to the defendant or third-party plaintiff includes, when appropriate, a person who asserts a right under Supplemental Rule C(6)(a)(i) in the property arrested.

(b) When a Plaintiff May Bring in a Third Party. When a claim is asserted against a plaintiff, the plaintiff may bring in a third party if this rule would allow a defendant to do so.

(c) [reserved]

(1) [reserved]

(2) [reserved]

Rule 15 – Amended and Supplemental Pleadings

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the arbitral tribunal's leave. The arbitral tribunal should freely give leave when justice so requires.

(3) Time to Respond. Unless the arbitral tribunal orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

(b) Amendments During and After Trial.

(1) Based on an Objection at Trial. If, at trial, a party objects that evidence is not within the issues raised in the pleadings, the arbitral tribunal may permit the pleadings to be amended. The arbitral tribunal should freely permit an amendment when doing so will aid in presenting the merits and the objecting party fails to satisfy the arbitral tribunal that the evidence would prejudice that party's action or defense on the merits. The arbitral tribunal may grant a continuance to enable the objecting party to meet the evidence.

(2) For Issues Tried by Consent. When an issue not raised by the pleadings is tried by the parties' express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move—at any time, even after award—to amend the pleadings to conform them to the evidence and to raise an unpleaded issue. But failure to amend does not affect the result of the trial of that issue.

(c) Relation Back of Amendments.

(1) When an Amendment Relates Back. An amendment to a pleading relates back to the date of the original pleading when:

(A) the law that provides the applicable Statute of Limitations allows relation back;

(B) the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out—or attempted to be set out—in the original pleading; or

(C) the amendment changes the party or the naming of the party against whom a claim is asserted, if Rule 15(c)(1)(B) is satisfied and if, within the period provided by Rule 4(m) for serving the summons and complaint, the party to be brought in by amendment:

(i) received such notice of the action that it will not be prejudiced in defending on the merits; and

(ii) knew or should have known that the action would have been brought against it, but for a mistake concerning the proper party's identity.

(2) Notice to the Próspera ZEDE. When the Próspera ZEDE or a Próspera ZEDE officer or agency is added as a defendant by amendment, the notice requirements of Rule 15(c)(1)(C)(i) and (ii) are satisfied if, during the stated period, process was delivered or mailed to the Próspera ZEDE attorney or the Próspera ZEDE attorney's designee, to the Attorney General of the Próspera ZEDE, or to the officer or agency.

(d) Supplemental Pleadings. On motion and reasonable notice, the arbitral tribunal may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. The arbitral tribunal may permit supplementation even though the original pleading is defective in stating a claim or defense. The arbitral tribunal may order that the opposing party plead to the supplemental pleading within a specified time.

Rule 16 – Pretrial Conferences; Scheduling; Management

(a) Purposes of a Pretrial Conference. In any action, the arbitral tribunal may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

(1) expediting disposition of the action;

(2) establishing early and continuing control so that the case will not be protracted because of lack of management;

(3) discouraging wasteful pretrial activities;

(4) improving the quality of the trial through more thorough preparation; and

(5) facilitating settlement.

(b) Scheduling.

(1) Scheduling Order. Except in categories of actions exempted by local rule, the Arbiter—or an Arbitral Officer when authorized by local rule—must issue a scheduling order:

(A) after receiving the parties' report under Rule 26(f); or

(B) after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference.

(2) Time to Issue. The Arbiter must issue the scheduling order as soon as practicable, but unless the Arbiter finds good cause for delay, the Arbiter must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

(3) Contents of the Order.

(A) Required Contents. The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions.

(B) Permitted Contents. The scheduling order may:

(i) modify the timing of disclosures under Rules 26(a) and 26(e)(1);

(ii) modify the extent of discovery;

(iii) provide for disclosure, discovery, or preservation of electronically stored information;

(iv) include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under PAC Rule of Evidence 502;

(v) direct that before moving for an order relating to discovery, the movant must request a conference with the arbitral tribunal;

(vi) set dates for pretrial conferences and for trial; and

(vii) include other appropriate matters.

(4) Modifying a Schedule. A schedule may be modified only for good cause and with the Arbiter's consent.

(c) Attendance and Matters for Consideration at a Pretrial Conference.

(1) Attendance. A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference. If appropriate, the arbitral tribunal may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) Matters for Consideration. At any pretrial conference, the arbitral tribunal may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) amending the pleadings if necessary or desirable;

(C) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and ruling in advance on the admissibility of evidence;

(D) avoiding unnecessary proof and cumulative evidence, and limiting the use of testimony under PAC Rule of Evidence 702;

(E) determining the appropriateness and timing of summary adjudication under Rule 56;

(F) controlling and scheduling discovery, including orders affecting disclosures and discovery under Rule 26 and Rules 29 through 37;

(G) identifying witnesses and documents, scheduling the filing and exchange of any pretrial briefs, and setting dates for further conferences and for trial;

(H) referring matters to an Arbitral Officer or a master;

(I) settling the case and using special procedures to assist in resolving the dispute when authorized by Próspera ZEDE Rule or local rule;

(J) determining the form and content of the pretrial order;

(K) disposing of pending motions;

(L) adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

(M) ordering a separate trial under Rule 42(b) of a claim, counterclaim, crossclaim, third-party claim, or particular issue;

(N) ordering the presentation of evidence early in the trial on a manageable issue that might, on the evidence, be the basis for an award as a matter of law under Rule 50(a) or an award on partial findings under Rule 52(c);

(0) establishing a reasonable limit on the time allowed to present evidence; and

(P) facilitating in other ways the just, speedy, and inexpensive disposition of the action.

(d) Pretrial Orders. After any conference under this rule, the arbitral tribunal should issue an order reciting the action taken. This order controls the course of the action unless the arbitral tribunal modifies it.

(e) Final Pretrial Conference and Orders. The arbitral tribunal may hold a final pretrial conference to formulate a trial plan, including a plan to facilitate the admission of

evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The arbitral tribunal may modify the order issued after a final pretrial conference only to prevent manifest injustice.

(f) Sanctions.

(1) In General. On motion or on its own, the arbitral tribunal may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney:

(A) fails to appear at a scheduling or other pretrial conference;

(B) is substantially unprepared to participate-or does not participate in good faith-in the conference; or

(C) fails to obey a scheduling or other pretrial order.

(2) Imposing Fees and Costs. Instead of or in addition to any other sanction, the arbitral tribunal must order the party, its attorney, or both to pay the reasonable expenses—including attorney's fees—incurred because of any noncompliance with this rule, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust.

Rule 17 – Plaintiff and Defendant; Capacity; Public Officers

(a) Real Party in Interest.

(1) Designation in General. An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought:

(A) an executor;

(B) an administrator;

(C) a guardian;

(D) a bailee;

(E) a trustee of an express trust;

(F) a party with whom or in whose name a contract has been made for another's benefit; and

(G) a party authorized by Próspera ZEDE Rule.

(2) Action in the Name of the Próspera ZEDE for Another's Use or Benefit. When a Próspera ZEDE Rule so provides, an action for another's use or benefit must be brought in the name of the Próspera ZEDE.

(3) Joinder of the Real Party in Interest. The arbitral tribunal may not dismiss an action for failure to prosecute in the name of the real party in interest until, after

an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.

(b) Capacity to Sue or Be Sued. Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

(2) for a corporation, by the law under which it was organized; and

(3) for all other parties, by Próspera ZEDE Rule, except that:

(A) [reserved]; and

(B) [reserved]

(c) Minor or Incompetent Person.

(1) With a Representative. The following representatives may sue or defend on behalf of a minor or an incompetent person:

(A) a general guardian;

(B) a committee;

(C) a conservator; or

(D) a like fiduciary.

(2) Without a Representative. A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The arbitral tribunal must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.

(d) Public Officer's Title and Name. A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the arbitral tribunal may order that the officer's name be added.

Rule 18 – Joinder of Claims

(a) In General. A party asserting a claim, counterclaim, crossclaim, or third-party claim may join, as independent or alternative claims, as many claims as it has against an opposing party.

(b) Joinder of Contingent Claims. A party may join two claims even though one of them is contingent on the disposition of the other; but the arbitral tribunal may grant relief only in accordance with the parties' relative substantive rights. In particular, a plaintiff may state a claim for money and a claim to set aside a conveyance that is fraudulent as to that plaintiff, without first obtaining an award for the money.

Rule 19 – Required Joinder of Parties

(a) Persons Required to Be Joined if Feasible.

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the arbitral tribunal of subject-matter jurisdiction must be joined as a party if:

(A) in that person's absence, the arbitral tribunal cannot accord complete relief among existing parties; or

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest; or

(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

(2) Joinder by Arbitral Tribunal Order. If a person has not been joined as required, the arbitral tribunal must order that the person be made a party. A person who refuses to join as a plaintiff may be made either a defendant or, in a proper case, an involuntary plaintiff.

(3) Venue. If a joined party objects to venue and the joinder would make venue improper, the arbitral tribunal must dismiss that party.

(b) When Joinder Is Not Feasible. If a person who is required to be joined if feasible cannot be joined, the arbitral tribunal must determine whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed. The factors for the arbitral tribunal to consider include:

(1) the extent to which an award rendered in the person's absence might prejudice that person or the existing parties;

(2) the extent to which any prejudice could be lessened or avoided by:

(A) protective provisions in the award;

(B) shaping the relief; or

(C) other measures;

(3) whether an award rendered in the person's absence would be adequate; and

(4) whether the plaintiff would have an adequate remedy if the action were dismissed for nonjoinder.

(c) Pleading the Reasons for Nonjoinder. When asserting a claim for relief, a party must state:

(1) the name, if known, of any person who is required to be joined if feasible but is not joined; and

(2) the reasons for not joining that person.

(d) Exception for Class Actions. This rule is subject to Rule 23.

Rule 20 – Permissive Joinder of Parties

(a) Persons Who May Join or Be Joined.

(1) Plaintiffs. Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

(2) Defendants. Persons—as well as a vessel, cargo, or other property subject to admiralty process in rem—may be joined in one action as defendants if:

(A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all defendants will arise in the action.

(3) Extent of Relief. Neither a plaintiff nor a defendant need be interested in obtaining or defending against all the relief demanded. The arbitral tribunal may grant award to one or more plaintiffs according to their rights, and against one or more defendants according to their liabilities.

(b) Protective Measures. The arbitral tribunal may issue orders—including an order for separate trials—to protect a party against embarrassment, delay, expense, or other prejudice that arises from including a person against whom the party asserts no claim and who asserts no claim against the party.

Rule 21 – Misjoinder and Nonjoinder of Parties

Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the arbitral tribunal may at any time, on just terms, add or drop a party. The arbitral tribunal may also sever any claim against a party.

Rule 22 – Interpleader

(a) Grounds.

(1) By a Plaintiff. Persons with claims that may expose a plaintiff to double or multiple liability may be joined as defendants and required to interplead. Joinder for interpleader is proper even though:

(A) the claims of the several claimants, or the titles on which their claims depend, lack a common origin or are adverse and independent rather than identical; or

(B) the plaintiff denies liability in whole or in part to any or all of the claimants.

(2) By a Defendant. A defendant exposed to similar liability may seek interpleader through a crossclaim or counterclaim.

(b) Relation to Other Rules and Statutes. This rule supplements—and does not limit—the joinder of parties allowed by Rule 20.

Rule 23 – Class Actions

(a) Prerequisites. One or more members of a class may sue or be sued as representative parties on behalf of all members only if:

(1) the class is so numerous that joinder of all members is impracticable;

(2) there are questions of law or fact common to the class;

(3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and

(4) the representative parties will fairly and adequately protect the interests of the class.

(b) Types of Class Actions. A class action may be maintained if Rule 23(a) is satisfied and if:

(1) prosecuting separate actions by or against individual class members would create a risk of:

(A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; or

(B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests;

(2) the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole; or

(3) the arbitral tribunal finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy. The matters pertinent to these findings include:

(A) the class members' interests in individually controlling the prosecution or defense of separate actions;

(B) the extent and nature of any litigation concerning the controversy already begun by or against class members;

(C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the likely difficulties in managing a class action.

(c) Certification Order; Notice to Class Members; Award; Issues Classes; Subclasses.

(1) Certification Order.

(A) Time to Issue. At an early practicable time after a person sues or is sued as a class representative, the arbitral tribunal must determine by order whether to certify the action as a class action.

(B) Defining the Class; Appointing Class Counsel. An order that certifies a class action must define the class and the class claims, issues, or defenses, and must appoint class counsel under Rule 23(g).

(C) Altering or Amending the Order. An order that grants or denies class certification may be altered or amended before final award.

(2) Notice.

(A) For (b)(1) or (b)(2) Classes. For any class certified under Rule 23(b)(1) or (b)(2), the arbitral tribunal may direct appropriate notice to the class.

(B) For (b)(3) Classes. For any class certified under Rule 23(b)(3)—or upon ordering notice under Rule 23(e)(1) to a class proposed to be certified for purposes of settlement under Rule 23(b)(3)—the arbitral tribunal must direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice may be by one or more of the following: Próspera ZEDE mail, electronic means, or other appropriate means. The notice must clearly and concisely state in plain, easily understood language:

(i) the nature of the action;

(ii) the definition of the class certified;

(iii) the class claims, issues, or defenses;

(iv) that a class member may enter an appearance through an attorney if the member so desires;

(v) that the arbitral tribunal will exclude from the class any member who requests exclusion;

(vi) the time and manner for requesting exclusion; and

(vii) the binding effect of a class award on members under Rule 23(c)(3).

(3) Award. Whether or not favorable to the class, the award in a class action must:

(A) for any class certified under Rule 23(b)(1) or (b)(2), include and describe those whom the arbitral tribunal finds to be class members; and

(B) for any class certified under Rule 23(b)(3), include and specify or describe those to whom the Rule 23(c)(2) notice was directed, who have not requested exclusion, and whom the arbitral tribunal finds to be class members.

(4) Particular Issues. When appropriate, an action may be brought or maintained as a class action with respect to particular issues.

(5) Subclasses. When appropriate, a class may be divided into subclasses that are each treated as a class under this rule.

(d) Conducting the Action.

(1) In General. In conducting an action under this rule, the arbitral tribunal may issue orders that:

(A) determine the course of proceedings or prescribe measures to prevent undue repetition or complication in presenting evidence or argument;

(B) require—to protect class members and fairly conduct the action—giving appropriate notice to some or all class members of:

(i) any step in the action;

(ii) the proposed extent of the award; or

(iii) the members' opportunity to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or to otherwise come into the action;

(C) impose conditions on the representative parties or on intervenors;

(D) require that the pleadings be amended to eliminate allegations about representation of absent persons and that the action proceed accordingly; or

(E) deal with similar procedural matters.

(2) Combining and Amending Orders. An order under Rule 23(d)(1) may be altered or amended from time to time and may be combined with an order under Rule 16.

(e) Settlement, Voluntary Dismissal, or Compromise. The claims, issues, or defenses of a certified class—or a class proposed to be certified for purposes of settlement—may be

settled, voluntarily dismissed, or compromised only with the arbitral tribunal's approval. The following procedures apply to a proposed settlement, voluntary dismissal, or compromise:

(1) Notice to the Class.

(A) Information That Parties Must Provide to the Arbitral Tribunal. The parties must provide the arbitral tribunal with information sufficient to enable it to determine whether to give notice of the proposal to the class.

(B) Grounds for a Decision to Give Notice. The arbitral tribunal must direct notice in a reasonable manner to all class members who would be bound by the proposal if giving notice is justified by the parties' showing that the arbitral tribunal will likely be able to:

(i) approve the proposal under Rule 23(e)(2); and

(ii) certify the class for purposes of award on the proposal.

(2) Approval of the Proposal. If the proposal would bind class members, the arbitral tribunal may approve it only after a hearing and only on finding that it is fair, reasonable, and adequate after considering whether:

(A) the class representatives and class counsel have adequately represented the class;

(B) the proposal was negotiated at arm's length;

(C) the relief provided for the class is adequate, taking into account:

(i) the costs, risks, and delay of trial and appeal;

(ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;

(iii) the terms of any proposed award of attorney's fees, including timing of payment; and

(iv) any agreement required to be identified under Rule 23(e)(3); and

(D) the proposal treats class members equitably relative to each other.

(3) Identifying Agreements. The parties seeking approval must file a statement identifying any agreement made in connection with the proposal.

(4) New Opportunity to Be Excluded. If the class action was previously certified under Rule 23(b)(3), the arbitral tribunal may refuse to approve a settlement unless it affords a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but did not do so.

(5) Class-Member Objections.

(A) In General. Any class member may object to the proposal if it requires arbitral tribunal approval under this subdivision (e). The objection must state whether it applies only to the objector, to a specific subset of the class, or to the entire class, and also state with specificity the grounds for the objection.

(B) Arbitral Tribunal Approval Required for Payment in Connection with an Objection. Unless approved by the arbitral tribunal after a hearing, no payment or other consideration may be provided in connection with:

(i) forgoing or withdrawing an objection, or

(ii) forgoing, dismissing, or abandoning an appeal from an award approving the proposal.

(C) Procedure for Approval After an Appeal. If approval under Rule 23(e)(5)(B) has not been obtained before an appeal is docketed in the arbitral tribunal of appeals, the procedure of Rule 62.1 applies while the appeal remains pending.

(f) Appeals. An arbitral tribunal of appeals may permit an appeal from an order granting or denying class-action certification under this rule, but not from an order under Rule 23(e)(1). A party must file a petition for permission to appeal with the Administrator within 14 days after the order is entered or within 45 days after the order is entered if any party is the Próspera ZEDE, a Próspera ZEDE agency, or a Próspera ZEDE officer or employee sued for an act or omission occurring in connection with duties performed on the Próspera ZEDE' behalf. An appeal does not stay proceedings in the trial arbitral tribunal unless the Arbiter or the arbitral tribunal of appeals so orders.

(g) Class Counsel.

(1) Appointing Class Counsel. Unless a Próspera ZEDE Rule provides otherwise, an arbitral tribunal that certifies a class must appoint class counsel. In appointing class counsel, the arbitral tribunal:

(A) must consider:

(i) the work counsel has done in identifying or investigating potential claims in the action;

(ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action;

(iii) counsel's knowledge of the applicable law; and

(iv) the resources that counsel will commit to representing the class;

(B) may consider any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class;

(C) may order potential class counsel to provide information on any subject pertinent to the appointment and to propose terms for attorney's fees and nontaxable costs;

(D) may include in the appointing order provisions about the award of attorney's fees or nontaxable costs under Rule 23(h); and

(E) may make further orders in connection with the appointment.

(2) Standard for Appointing Class Counsel. When one applicant seeks appointment as class counsel, the arbitral tribunal may appoint that applicant only if the applicant is adequate under Rule 23(g)(1) and (4). If more than one adequate applicant seeks appointment, the arbitral tribunal must appoint the applicant best able to represent the interests of the class.

(3) Interim Counsel. The arbitral tribunal may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.

(4) Duty of Class Counsel. Class counsel must fairly and adequately represent the interests of the class.

(h) Attorney's Fees and Nontaxable Costs. In a certified class action, the arbitral tribunal may award reasonable attorney's fees and nontaxable costs that are authorized by law or by the parties' agreement. The following procedures apply:

(1) A claim for an award must be made by motion under Rule 54(d)(2), subject to the provisions of this subdivision (h), at a time the arbitral tribunal sets. Notice of the motion must be served on all parties and, for motions by class counsel, directed to class members in a reasonable manner.

(2) A class member, or a party from whom payment is sought, may object to the motion.

(3) The arbitral tribunal may hold a hearing and must find the facts and state its legal conclusions under Rule 52(a).

(4) The arbitral tribunal may refer issues related to the amount of the award to a special master or an Arbitral Officer, as provided in Rule 54(d)(2)(D).

Rule 23.1 – Derivative Actions

(a) Prerequisites. This rule applies when one or more shareholders or members of a corporation or an unincorporated association bring a derivative action to enforce a right that the corporation or association may properly assert but has failed to enforce. The derivative action may not be maintained if it appears that the plaintiff does not fairly and adequately represent the interests of shareholders or members who are similarly situated in enforcing the right of the corporation or association.

(b) Pleading Requirements. The complaint must be verified and must:

(1) allege that the plaintiff was a shareholder or member at the time of the transaction complained of, or that the plaintiff's share or membership later devolved on it by operation of law;

(2) allege that the action is not a collusive one to confer jurisdiction that the arbitral tribunal would otherwise lack; and

(3) state with particularity:

(A) any effort by the plaintiff to obtain the desired action from the directors or comparable authority and, if necessary, from the shareholders or members; and

(B) the reasons for not obtaining the action or not making the effort.

(c) Settlement, Dismissal, and Compromise. A derivative action may be settled, voluntarily dismissed, or compromised only with the arbitral tribunal's approval. Notice of a proposed settlement, voluntary dismissal, or compromise must be given to shareholders or members in the manner that the arbitral tribunal orders.

Rule 23.2 – Actions Relating to Unincorporated Associations

This rule applies to an action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties. The action may be maintained only if it appears that those parties will fairly and adequately protect the interests of the association and its members. In conducting the action, the arbitral tribunal may issue any appropriate orders corresponding with those in Rule 23(d), and the procedure for settlement, voluntary dismissal, or compromise must correspond with the procedure in Rule 23(e).

Rule 24 – Intervention

(a) Intervention of Right. On timely motion, the arbitral tribunal must permit anyone to intervene who:

(1) is given an unconditional right to intervene by a Próspera ZEDE Rule; or

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

(b) Permissive Intervention.

(1) In General. On timely motion, the arbitral tribunal may permit anyone to intervene who:

(A) is given a conditional right to intervene by a Próspera ZEDE Rule; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

(2) By a Government Officer or Agency. On timely motion, the arbitral tribunal may permit a Próspera ZEDE or state governmental officer or agency to intervene if a party's claim or defense is based on:

(A) a Próspera ZEDE Rule or executive order administered by the officer or agency; or

(B) any regulation, order, requirement, or agreement issued or made under the Próspera ZEDE Rule or executive order.

(3) Delay or Prejudice. In exercising its discretion, the arbitral tribunal must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

(c) Notice and Pleading Required. A motion to intervene must be served on the parties as provided in Rule 5. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

Rule 25 – Substitution of Parties

(a) Death.

(1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the arbitral tribunal may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

(2) Continuation Among the Remaining Parties. After a party's death, if the right sought to be enforced survives only to or against the remaining parties, the action does not abate, but proceeds in favor of or against the remaining parties. The death should be noted on the record.

(3) Service. A motion to substitute, together with a notice of hearing, must be served on the parties as provided in Rule 5 and on nonparties as provided in Rule 4. A statement noting death must be served in the same manner. Service may be made in any judicial Próspera ZEDE.

(b) Incompetency. If a party becomes incompetent, the arbitral tribunal may, on motion, permit the action to be continued by or against the party's representative. The motion must be served as provided in Rule 25(a)(3).

(c) Transfer of Interest. If an interest is transferred, the action may be continued by or against the original party unless the arbitral tribunal, on motion, orders the transferee to be substituted in the action or joined with the original party. The motion must be served as provided in Rule 25(a)(3).

(d) Public Officers; Death or Separation from Office. An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The arbitral tribunal may order substitution at any time, but the absence of such an order does not affect the substitution.

TITLE V. DISCLOSURES AND DISCOVERY

Rule 26 – Duty to Disclose; General Provisions Governing Discovery

(a) Required Disclosures.

(1) Initial Disclosure.

(A) In General. Except as exempted by Rule 26(a)(1)(B) or as otherwise stipulated or ordered by the arbitral tribunal, a party must, without awaiting a discovery request, provide to the other parties:

(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

(ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

(iii) a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible award in the action or to indemnify or reimburse for payments made to satisfy the award.

(B) Proceedings Exempt from Initial Disclosure. The following proceedings are exempt from initial disclosure:

(i) an action for review on an administrative record;

(ii) a forfeiture action in rem arising from a Próspera ZEDE Rule;

(iii) [reserved]

(iv) [reserved]

(v) an action to enforce or quash an administrative summons or subpoena;

(vi) an action by the Próspera ZEDE to recover benefit payments;

(vii) [reserved]

(viii) a proceeding ancillary to a proceeding in another court or tribunal; and

(ix) an action to enforce an arbitration award.

(C) Time for Initial Disclosures—In General. A party must make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or arbitral tribunal order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan. In ruling on the objection, the arbitral tribunal must determine what disclosures, if any, are to be made and must set the time for disclosure.

(D) Time for Initial Disclosures—For Parties Served or Joined Later. A party that is first served or otherwise joined after the Rule 26(f) conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or arbitral tribunal order.

(E) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

(2) Disclosure of Expert Testimony.

(A) In General. In addition to the disclosures required by Rule 26(a)(1), a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under PAC Rule of Evidence 702, 703, or 705.

(B) Witnesses Who Must Provide a Written Report. Unless otherwise stipulated or ordered by the arbitral tribunal, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide expert

testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. The report must contain:

(i) a complete statement of all opinions the witness will express and the basis and reasons for them;

(ii) the facts or data considered by the witness in forming them;

(iii) any exhibits that will be used to summarize or support them;

(iv) the witness' qualifications, including a list of all publications authored in the previous 10 years;

(v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and

(vi) a statement of the compensation to be paid for the study and testimony in the case.

(C) Witnesses Who Do Not Provide a Written Report. Unless otherwise stipulated or ordered by the arbitral tribunal, if the witness is not required to provide a written report, this disclosure must state:

(i) the subject matter on which the witness is expected to present evidence under PAC Rule of Evidence 702, 703, or 705; and

(ii) a summary of the facts and opinions to which the witness is expected to testify.

(D) Time to Disclose Expert Testimony. A party must make these disclosures at the times and in the sequence that the arbitral tribunal orders. Absent a stipulation or an arbitral tribunal order, the disclosures must be made:

(i) at least 90 days before the date set for trial or for the case to be ready for trial; or

(ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party's disclosure.

(E) Supplementing the Disclosure. The parties must supplement these disclosures when required under Rule 26(e).

(3) Pretrial Disclosures.

(A) In General. In addition to the disclosures required by Rule 26(a)(1) and (2), a party must provide to the other parties and promptly file the following information about the evidence that it may present at trial other than solely for impeachment:

(i) the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises;

(ii) the designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition; and

(iii) an identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

(B) Time for Pretrial Disclosures; Objections. Unless the arbitral tribunal orders otherwise, these disclosures must be made at least 30 days before trial. Within 14 days after they are made, unless the arbitral tribunal sets a different time, a party may serve and promptly file a list of the following objections: any objections to the use under Rule 32(a) of a deposition designated by another party under Rule 26(a)(3)(A)(ii); and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under Rule 26(a)(3)(A)(iii). An objection not so made—except for one under PAC Rule of Evidence 402 or 403—is waived unless excused by the arbitral tribunal for good cause.

(4) Form of Disclosures. Unless the arbitral tribunal orders otherwise, all disclosures under Rule 26(a) must be in writing, signed, and served.

(b) Discovery Scope and Limits.

(1) Scope in General. Unless otherwise limited by arbitral tribunal order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

(2) Limitations on Frequency and Extent.

(A) When Permitted. By order, the arbitral tribunal may alter the limits in these rules on the number of depositions and interrogatories or on the length of depositions under Rule 30. By order or local rule, the arbitral tribunal may also limit the number of requests under Rule 36.

(B) Specific Limitations on Electronically Stored Information. A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of

undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the arbitral tribunal may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The arbitral tribunal may specify conditions for the discovery.

(C) When Required. On motion or on its own, the arbitral tribunal must limit the frequency or extent of discovery otherwise allowed by these rules if it determines that:

(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

(ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

(iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1).

(3) Trial Preparation: Materials.

(A) Documents and Tangible Things. Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

(i) they are otherwise discoverable under Rule 26(b)(1); and

(ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

(B) Protection Against Disclosure. If the arbitral tribunal orders discovery of those materials, it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative concerning the litigation.

(C) Previous Statement. Any party or other person may, on request and without the required showing, obtain the person's own previous statement about the action or its subject matter. If the request is refused, the person may move for an arbitral tribunal order, and Rule 37(a)(5) applies to the award of expenses. A previous statement is either:

(i) a written statement that the person has signed or otherwise adopted or approved; or

(ii) a contemporaneous stenographic, mechanical, electrical, or other recording—or a transcription of it—that recites substantially verbatim the person's oral statement.

(4) Trial Preparation: Experts.

(A) Deposition of an Expert Who May Testify. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If Rule 26(a)(2)(B) requires a report from the expert, the deposition may be conducted only after the report is provided.

(B) Trial-Preparation Protection for Draft Reports or Disclosures. Rules 26(b)(3)(A) and (B) protect drafts of any report or disclosure required under Rule 26(a)(2), regardless of the form in which the draft is recorded.

(C) Trial-Preparation Protection for Communications Between a Party's Attorney and Expert Witnesses. Rules 26(b)(3)(A) and (B) protect communications between the party's attorney and any witness required to provide a report under Rule 26(a)(2)(B), regardless of the form of the communications, except to the extent that the communications:

(i) relate to compensation for the expert's study or testimony;

(ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or

(iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(D) Expert Employed Only for Trial Preparation. Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for trial and who is not expected to be called as a witness at trial. But a party may do so only:

(i) as provided in Rule 35(b); or

(ii) on showing exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means.

(E) Payment. Unless manifest injustice would result, the arbitral tribunal must require that the party seeking discovery:

(i) pay the expert a reasonable fee for time spent in responding to discovery under Rule 26(b)(4)(A) or (D); and

(ii) for discovery under (D), also pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the expert's facts and opinions.

(5) Claiming Privilege or Protecting Trial-Preparation Materials.

(A) Information Withheld. When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must:

(i) expressly make the claim; and

(ii) describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.

(B) Information Produced. If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the arbitral tribunal under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

(c) Protective Orders.

(1) In General. A party or any person from whom discovery is sought may move for a protective order in the arbitral tribunal where the action is pending—or as an alternative on matters relating to a deposition, in the arbitral tribunal for the Próspera ZEDE where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without arbitral tribunal action. The arbitral tribunal may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(A) forbidding the disclosure or discovery;

(B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery;

(C) prescribing a discovery method other than the one selected by the party seeking discovery;

(D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;

(E) designating the persons who may be present while the discovery is conducted;

(F) requiring that a deposition be sealed and opened only on arbitral tribunal order;

(G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and

(H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the arbitral tribunal directs.

(2) Ordering Discovery. If a motion for a protective order is wholly or partly denied, the arbitral tribunal may, on just terms, order that any party or person provide or permit discovery.

(3) Awarding Expenses. Rule 37(a)(5) applies to the award of expenses.

(d) Timing and Sequence of Discovery.

(1) Timing. A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by arbitral tribunal order.

(2) Early Rule 34 Requests.

(A) Time to Deliver. More than 21 days after the summons and complaint are served on a party, a request under Rule 34 may be delivered:

(i) to that party by any other party, and

(ii) by that party to any plaintiff or to any other party that has been served.

(B) When Considered Served. The request is considered to have been served at the first Rule 26(f) conference.

(3) Sequence. Unless the parties stipulate or the arbitral tribunal orders otherwise for the parties' and witnesses' convenience and in the interests of justice:

(A) methods of discovery may be used in any sequence; and

(B) discovery by one party does not require any other party to delay its discovery.

(e) Supplementing Disclosures and Responses.

(1) In General. A party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—must supplement or correct its disclosure or response:

(A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(B) as ordered by the arbitral tribunal.

(2) Expert Witness. For an expert whose report must be disclosed under Rule 26(a)(2)(B), the party's duty to supplement extends both to information included in the report and to information given during the expert's deposition. Any additions or changes to this information must be disclosed by the time the party's pretrial disclosures under Rule 26(a)(3) are due.

(f) Conference of the Parties; Planning for Discovery.

(1) Conference Timing. Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the arbitral tribunal orders otherwise, the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

(2) Conference Content; Parties' Responsibilities. In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by Rule 26(a)(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the arbitral tribunal within 14 days after the conference a written report outlining the plan. The arbitral tribunal may order the parties or attorneys to attend the conference in person.

(3) Discovery Plan. A discovery plan must state the parties' views and proposals on:

(A) what changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made;

(B) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;

(C) any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

(D) any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the arbitral tribunal to include their agreement in an order under PAC Rule of Evidence 502;

(E) what changes should be made in the limitations on discovery imposed under these rules , and what other limitations should be imposed; and

(F) any other orders that the arbitral tribunal should issue under Rule 26(c) or under Rule 16(b) and (c).

(4) Expedited Schedule. If necessary to comply with its expedited schedule for Rule 16(b) conferences, an arbitral tribunal may by local rule:

(A) require the parties' conference to occur less than 21 days before the scheduling conference is held or a scheduling order is due under Rule 16(b); and

(B) require the written report outlining the discovery plan to be filed less than 14 days after the parties' conference, or excuse the parties from submitting a written report and permit them to report orally on their discovery plan at the Rule 16(b) conference.

(g) Signing Disclosures and Discovery Requests, Responses, and Objections.

(1) Signature Required; Effect of Signature. Every disclosure under Rule 26(a)(1) or (a)(3) and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's own name—or by the party personally, if unrepresented—and must state the signer's address, e-mail address, and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry:

(A) with respect to a disclosure, it is complete and correct as of the time it is made; and

(B) with respect to a discovery request, response, or objection, it is:

(i) consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law;

(ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

(iii) neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.

(2) Failure to Sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection until it is signed, and the arbitral tribunal must strike it unless a signature is promptly supplied after the omission is called to the attorney's or party's attention.

(3) Sanction for Improper Certification. If a certification violates this rule without substantial justification, the arbitral tribunal, on motion or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

Rule 27 – Depositions to Perpetuate Testimony

(a) Before an Action Is Filed.

(1) Petition. A person who wants to perpetuate testimony about any matter cognizable in a Próspera default Arbitration Service Provider tribunal may file a verified petition in the trial arbitral tribunal for the Próspera ZEDE where any expected adverse party resides. The petition must ask for an order authorizing the petitioner to depose the named persons in order to perpetuate their testimony. The petition must be titled in the petitioner's name and must show:

(A) that the petitioner expects to be a party to an action cognizable in a Próspera default Arbitration Service Provider tribunal but cannot presently bring it or cause it to be brought;

(B) the subject matter of the expected action and the petitioner's interest;

(C) the facts that the petitioner wants to establish by the proposed testimony and the reasons to perpetuate it;

(D) the names or a description of the persons whom the petitioner expects to be adverse parties and their addresses, so far as known; and

(E) the name, address, and expected substance of the testimony of each deponent.

(2) Notice and Service. At least 21 days before the hearing date, the petitioner must serve each expected adverse party with a copy of the petition and a notice stating the time and place of the hearing. The notice may be served either inside or outside the Próspera ZEDE or state in the manner provided in Rule 4. If that service cannot be made with reasonable diligence on an expected adverse party, the arbitral tribunal may order service by publication or otherwise. The arbitral tribunal must appoint an attorney to represent persons not served in the manner provided in Rule 4 and to cross-examine the deponent if an unserved person is not otherwise represented. If any expected adverse party is a minor or is incompetent, Rule 17(c) applies.

(3) Order and Examination. If satisfied that perpetuating the testimony may prevent a failure or delay of justice, the arbitral tribunal must issue an order that

designates or describes the persons whose depositions may be taken, specifies the subject matter of the examinations, and states whether the depositions will be taken orally or by written interrogatories. The depositions may then be taken under these rules, and the arbitral tribunal may issue orders like those authorized by Rules 34 and 35. A reference in these rules to the arbitral tribunal where an action is pending means, for purposes of this rule, the arbitral tribunal where the petition for the deposition was filed.

(4) Using the Deposition. A deposition to perpetuate testimony may be used under Rule 32(a) in any later-filed trial arbitral tribunal action involving the same subject matter if the deposition either was taken under these rules or, although not so taken, would be admissible in evidence in the arbitral tribunals of the state where it was taken.

(b) Pending Appeal.

(1) In General. The arbitral tribunal where an award has been rendered may, if an appeal has been taken or may still be taken, permit a party to depose witnesses to perpetuate their testimony for use in the event of further proceedings in that arbitral tribunal.

(2) Motion. The party who wants to perpetuate testimony may move for leave to take the depositions, on the same notice and service as if the action were pending in the trial arbitral tribunal. The motion must show:

(A) the name, address, and expected substance of the testimony of each deponent; and

(B) the reasons for perpetuating the testimony.

(3) Arbitral Tribunal Order. If the arbitral tribunal finds that perpetuating the testimony may prevent a failure or delay of justice, the arbitral tribunal may permit the depositions to be taken and may issue orders like those authorized by Rules 34 and 35. The depositions may be taken and used as any other deposition taken in a pending trial arbitral tribunal action.

(c) Perpetuation by an Action. This rule does not limit an arbitral tribunal's power to entertain an action to perpetuate testimony.

Rule 28 – Persons Before Whom Depositions May Be Taken

(a) Within the Próspera ZEDE or Republic of Honduras.

(1) In General. Within the Próspera ZEDE, a deposition must be taken before:

(A) an officer authorized to administer oaths either by Próspera ZEDE Rule or by the law in the place of examination; or

(B) a person appointed by the arbitral tribunal where the action is pending to administer oaths and take testimony.

(2) Definition of "Officer." The term "officer" in Rules 30, 31, and 32 includes a person appointed by the arbitral tribunal under this rule or designated by the parties under Rule 29(a).

(b) In a Foreign Country.

(1) In General. A deposition may be taken in a foreign country:

(A) under an applicable treaty or convention;

(B) under a letter of request, whether or not captioned a "letter rogatory";

(C) on notice, before a person authorized to administer oaths either by Próspera ZEDE Rule or by the law in the place of examination; or

(D) before a person commissioned by the arbitral tribunal to administer any necessary oath and take testimony.

(2) Issuing a Letter of Request or a Commission. A letter of request, a commission, or both may be issued:

(A) on appropriate terms after an application and notice of it; and

(B) without a showing that taking the deposition in another manner is impracticable or inconvenient.

(3) Form of a Request, Notice, or Commission. When a letter of request or any other device is used according to a treaty or convention, it must be captioned in the form prescribed by that treaty or convention. A letter of request may be addressed "To the Appropriate Authority in [name of country]." A deposition notice or a commission must designate by name or descriptive title the person before whom the deposition is to be taken.

(4) Letter of Request—Admitting Evidence. Evidence obtained in response to a letter of request need not be excluded merely because it is not a verbatim transcript, because the testimony was not taken under oath, or because of any similar departure from the requirements for depositions taken within the Próspera ZEDE.

(c) Disqualification. A deposition must not be taken before a person who is any party's relative, employee, or attorney; who is related to or employed by any party's attorney; or who is financially interested in the action.

Rule 29 – Stipulations About Discovery Procedure

Unless the arbitral tribunal orders otherwise, the parties may stipulate that:

(a) a deposition may be taken before any person, at any time or place, on any notice, and in the manner specified—in which event it may be used in the same way as any other deposition; and

(b) other procedures governing or limiting discovery be modified—but a stipulation extending the time for any form of discovery must have arbitral tribunal approval if it would interfere with the time set for completing discovery, for hearing a motion, or for trial.

Rule 30 – Depositions by Oral Examination

(a) When a Deposition May Be Taken.

(1) Without Leave. A party may, by oral questions, depose any person, including a party, without leave of arbitral tribunal except as provided in Rule 30(a)(2). The deponent's attendance may be compelled by subpoena under Rule 45.

(2) With Leave. A party must obtain leave of arbitral tribunal, and the arbitral tribunal must grant leave to the extent consistent with Rule 26(b)(1) and (2):

(A) if the parties have not stipulated to the deposition and:

(i) the deposition would result in more than 10 depositions being taken under this rule or Rule 31 by the plaintiffs, or by the defendants, or by the third-party defendants;

(ii) the deponent has already been deposed in the case; or

(iii) the party seeks to take the deposition before the time specified in Rule 26(d), unless the party certifies in the notice, with supporting facts, that the deponent is expected to leave the Próspera ZEDE and be unavailable for examination in Próspera ZEDE after that time; or

(B) if the deponent is confined in prison.

(b) Notice of the Deposition; Other Formal Requirements.

(1) Notice in General. A party who wants to depose a person by oral questions must give reasonable written notice to every other party. The notice must state the time and place of the deposition and, if known, the deponent's name and address. If the name is unknown, the notice must provide a general description sufficient to identify the person or the particular class or group to which the person belongs.

(2) Producing Documents. If a subpoena duces tecum is to be served on the deponent, the materials designated for production, as set out in the subpoena, must be listed in the notice or in an attachment. The notice to a party deponent may be accompanied by a request under Rule 34 to produce documents and tangible things at the deposition.

(3) Method of Recording.

(A) Method Stated in the Notice. The party who notices the deposition must state in the notice the method for recording the testimony. Unless the arbitral tribunal orders otherwise, testimony may be recorded by audio,

audiovisual, or stenographic means. The noticing party bears the recording costs. Any party may arrange to transcribe a deposition.

(B) Additional Method. With prior notice to the deponent and other parties, any party may designate another method for recording the testimony in addition to that specified in the original notice. That party bears the expense of the additional record or transcript unless the arbitral tribunal orders otherwise.

(4) By Remote Means. The parties may stipulate—or the arbitral tribunal may on motion order—that a deposition be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions.

(5) Officer's Duties.

(A) Before the Deposition. Unless the parties stipulate otherwise, a deposition must be conducted before an officer appointed or designated under Rule 28. The officer must begin the deposition with an on-the-record statement that includes:

(i) the officer's name and business address;

(ii) the date, time, and place of the deposition;

(iii) the deponent's name;

(iv) the officer's administration of the oath or affirmation to the deponent; and

(v) the identity of all persons present.

(B) Conducting the Deposition; Avoiding Distortion. If the deposition is recorded nonstenographically, the officer must repeat the items in Rule 30(b)(5)(A)(i)–(iii) at the beginning of each unit of the recording medium. The deponent's and attorneys' appearance or demeanor must not be distorted through recording techniques.

(C) After the Deposition. At the end of a deposition, the officer must state on the record that the deposition is complete and must set out any stipulations made by the attorneys about custody of the transcript or recording and of the exhibits, or about any other pertinent matters.

(6) Notice or Subpoena Directed to an Organization. In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination. The named organization must then designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify. A subpoena must advise a

nonparty organization of its duty to make this designation. The persons designated must testify about information known or reasonably available to the organization. This paragraph (6) does not preclude a deposition by any other procedure allowed by these rules.

(c) Examination and Cross-Examination; Record of the Examination; Objections; Written Questions.

(1) Examination and Cross-Examination. The examination and cross-examination of a deponent proceed as they would at trial under the PAC Rules of Evidence, except Rules 103 and 615. After putting the deponent under oath or affirmation, the officer must record the testimony by the method designated under Rule 30(b)(3)(A). The testimony must be recorded by the officer personally or by a person acting in the presence and under the direction of the officer.

(2) Objections. An objection at the time of the examination—whether to evidence, to a party's conduct, to the officer's qualifications, to the manner of taking the deposition, or to any other aspect of the deposition—must be noted on the record, but the examination still proceeds; the testimony is taken subject to any objection. An objection must be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the arbitral tribunal, or to present a motion under Rule 30(d)(3).

(3) Participating Through Written Questions. Instead of participating in the oral examination, a party may serve written questions in a sealed envelope on the party noticing the deposition, who must deliver them to the officer. The officer must ask the deponent those questions and record the answers verbatim.

(d) Duration; Sanction; Motion to Terminate or Limit.

(1) Duration. Unless otherwise stipulated or ordered by the arbitral tribunal, a deposition is limited to 1 day of 7 hours. The arbitral tribunal must allow additional time consistent with Rule 26(b)(1) and (2) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

(2) Sanction. The arbitral tribunal may impose an appropriate sanction—including the reasonable expenses and attorney's fees incurred by any party—on a person who impedes, delays, or frustrates the fair examination of the deponent.

(3) Motion to Terminate or Limit.

(A) Grounds. At any time during a deposition, the deponent or a party may move to terminate or limit it on the ground that it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party. The motion may be filed in the arbitral tribunal where the action is pending or the deposition is being taken. If the

objecting deponent or party so demands, the deposition must be suspended for the time necessary to obtain an order.

(B) Order. The arbitral tribunal may order that the deposition be terminated or may limit its scope and manner as provided in Rule 26(c). If terminated, the deposition may be resumed only by order of the arbitral tribunal where the action is pending.

(C) Award of Expenses. Rule 37(a)(5) applies to the award of expenses.

(e) Review by the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

(f) Certification and Delivery; Exhibits; Copies of the Transcript or Recording; Filing.

(1) Certification and Delivery. The officer must certify in writing that the witness was duly sworn and that the deposition accurately records the witness' testimony. The certificate must accompany the record of the deposition. Unless the arbitral tribunal orders otherwise, the officer must seal the deposition in an envelope or package bearing the title of the action and marked "Deposition of [witness' name]" and must promptly send it to the attorney who arranged for the transcript or recording. The attorney must store it under conditions that will protect it against loss, destruction, tampering, or deterioration.

(2) Documents and Tangible Things.

(A) Originals and Copies. Documents and tangible things produced for inspection during a deposition must, on a party's request, be marked for identification and attached to the deposition. Any party may inspect and copy them. But if the person who produced them wants to keep the originals, the person may:

(i) offer copies to be marked, attached to the deposition, and then used as originals—after giving all parties a fair opportunity to verify the copies by comparing them with the originals; or

(ii) give all parties a fair opportunity to inspect and copy the originals after they are marked—in which event the originals may be used as if attached to the deposition.

(B) Order Regarding the Originals. Any party may move for an order that the originals be attached to the deposition pending final disposition of the case.

(3) Copies of the Transcript or Recording. Unless otherwise stipulated or ordered by the arbitral tribunal, the officer must retain the stenographic notes of a deposition taken stenographically or a copy of the recording of a deposition taken by another method. When paid reasonable charges, the officer must furnish a copy of the transcript or recording to any party or the deponent.

(4) Notice of Filing. A party who files the deposition must promptly notify all other parties of the filing.

(g) Failure to Attend a Deposition or Serve a Subpoena; Expenses. A party who, expecting a deposition to be taken, attends in person or by an attorney may recover reasonable expenses for attending, including attorney's fees, if the noticing party failed to:

(1) attend and proceed with the deposition; or

(2) serve a subpoena on a nonparty deponent, who consequently did not attend.

Rule 31 – Depositions by Written Questions

(a) When a Deposition May Be Taken.

(1) Without Leave. A party may, by written questions, depose any person, including a party, without leave of arbitral tribunal except as provided in Rule 31(a)(2). The deponent's attendance may be compelled by subpoena under Rule 45.

(2) With Leave. A party must obtain leave of arbitral tribunal, and the arbitral tribunal must grant leave to the extent consistent with Rule 26(b)(1) and (2):

(A) if the parties have not stipulated to the deposition and:

(i) the deposition would result in more than 10 depositions being taken under this rule or Rule 30 by the plaintiffs, or by the defendants, or by the third-party defendants;

(ii) the deponent has already been deposed in the case; or

(iii) the party seeks to take a deposition before the time specified in Rule 26(d); or

(B) if the deponent is confined in prison.

(3) Service; Required Notice. A party who wants to depose a person by written questions must serve them on every other party, with a notice stating, if known, the deponent's name and address. If the name is unknown, the notice must provide a general description sufficient to identify the person or the particular class or group to which the person belongs. The notice must also state the name or descriptive title and the address of the officer before whom the deposition will be taken.

(4) Questions Directed to an Organization. A public or private corporation, a partnership, an association, or a governmental agency may be deposed by written questions in accordance with Rule 30(b)(6).

(5) Questions from Other Parties. Any questions to the deponent from other parties must be served on all parties as follows: cross-questions, within 14 days after being served with the notice and direct questions; redirect questions, within 7 days after being served with cross-questions; and recross-questions, within 7 days after being served with redirect questions. The arbitral tribunal may, for good cause, extend or shorten these times.

(b) Delivery to the Officer; Officer's Duties. The party who noticed the deposition must deliver to the officer a copy of all the questions served and of the notice. The officer must promptly proceed in the manner provided in Rule 30(c), (e), and (f) to:

(1) take the deponent's testimony in response to the questions;

(2) prepare and certify the deposition; and

(3) send it to the party, attaching a copy of the questions and of the notice.

(c) Notice of Completion or Filing.

(1) Completion. The party who noticed the deposition must notify all other parties when it is completed.

(2) Filing. A party who files the deposition must promptly notify all other parties of the filing.

Rule 32 – Using Depositions in Arbitral Tribunal Proceedings

(a) Using Depositions.

(1) In General. At a hearing or trial, all or part of a deposition may be used against a party on these conditions:

(A) the party was present or represented at the taking of the deposition or had reasonable notice of it;

(B) it is used to the extent it would be admissible under the PAC Rules of Evidence if the deponent were present and testifying; and

(C) the use is allowed by Rule 32(a)(2) through (8).

(2) Impeachment and Other Uses. Any party may use a deposition to contradict or impeach the testimony given by the deponent as a witness, or for any other purpose allowed by the PAC Rules of Evidence.

(3) Deposition of Party, Agent, or Designee. An adverse party may use for any purpose the deposition of a party or anyone who, when deposed, was the party's officer, director, managing agent, or designee under Rule 30(b)(6) or 31(a)(4).

(4) Unavailable Witness. A party may use for any purpose the deposition of a witness, whether or not a party, if the arbitral tribunal finds:

(A) that the witness is dead;

(B) that the witness is more than 100 miles from the place of hearing or trial or is outside the Próspera ZEDE, unless it appears that the witness' absence was procured by the party offering the deposition;

(C) that the witness cannot attend or testify because of age, illness, infirmity, or imprisonment;

(D) that the party offering the deposition could not procure the witness' attendance by subpoena; or

(E) on motion and notice, that exceptional circumstances make it desirable—in the interest of justice and with due regard to the importance of live testimony in open arbitral tribunal—to permit the deposition to be used.

(5) Limitations on Use.

(A) Deposition Taken on Short Notice. A deposition must not be used against a party who, having received less than 14 days' notice of the deposition, promptly moved for a protective order under Rule 26(c)(1)(B) requesting that it not be taken or be taken at a different time or place—and this motion was still pending when the deposition was taken.

(B) Unavailable Deponent; Party Could Not Obtain an Attorney. A deposition taken without leave of arbitral tribunal under the unavailability provision of Rule 30(a)(2)(A)(iii) must not be used against a party who shows that, when served with the notice, it could not, despite diligent efforts, obtain an attorney to represent it at the deposition.

(6) Using Part of a Deposition. If a party offers in evidence only part of a deposition, an adverse party may require the offeror to introduce other parts that in fairness should be considered with the part introduced, and any party may itself introduce any other parts.

(7) Substituting a Party. Substituting a party under Rule 25 does not affect the right to use a deposition previously taken.

(8) Deposition Taken in an Earlier Action. A deposition lawfully taken and, if required, filed in any Próspera ZEDE- or state-arbitral tribunal action may be used in a later action involving the same subject matter between the same parties, or their representatives or successors in interest, to the same extent as if taken in the later action. A deposition previously taken may also be used as allowed by the PAC Rules of Evidence.

(b) Objections to Admissibility. Subject to Rules 28(b) and 32(d)(3), an objection may be made at a hearing or trial to the admission of any deposition testimony that would be inadmissible if the witness were present and testifying.

(c) Form of Presentation. Unless the arbitral tribunal orders otherwise, a party must provide a transcript of any deposition testimony the party offers, but may provide the arbitral tribunal with the testimony in nontranscript form as well. On any party's request, deposition testimony offered in a jury trial for any purpose other than impeachment must be presented in nontranscript form, if available, unless the arbitral tribunal for good cause orders otherwise.

(d) Waiver of Objections.

(1) To the Notice. An objection to an error or irregularity in a deposition notice is waived unless promptly served in writing on the party giving the notice.

(2) To the Officer's Qualification. An objection based on disqualification of the officer before whom a deposition is to be taken is waived if not made:

(A) before the deposition begins; or

(B) promptly after the basis for disqualification becomes known or, with reasonable diligence, could have been known.

(3) To the Taking of the Deposition.

(A) Objection to Competence, Relevance, or Materiality. An objection to a deponent's competence—or to the competence, relevance, or materiality of testimony—is not waived by a failure to make the objection before or during the deposition, unless the ground for it might have been corrected at that time.

(B) Objection to an Error or Irregularity. An objection to an error or irregularity at an oral examination is waived if:

(i) it relates to the manner of taking the deposition, the form of a question or answer, the oath or affirmation, a party's conduct, or other matters that might have been corrected at that time; and

(ii) it is not timely made during the deposition.

(C) Objection to a Written Question. An objection to the form of a written question under Rule 31 is waived if not served in writing on the party submitting

the question within the time for serving responsive questions or, if the question is a recross-question, within 7 days after being served with it.

(4) To Completing and Returning the Deposition. An objection to how the officer transcribed the testimony—or prepared, signed, certified, sealed, endorsed, sent, or otherwise dealt with the deposition—is waived unless a motion to suppress is made promptly after the error or irregularity becomes known or, with reasonable diligence, could have been known.

Rule 33 – Interrogatories to Parties

(a) In General.

(1) Number. Unless otherwise stipulated or ordered by the arbitral tribunal, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).

(2) Scope. An interrogatory may relate to any matter that may be inquired into under Rule 26(b). An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact, but the arbitral tribunal may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.

(b) Answers and Objections.

(1) Responding Party. The interrogatories must be answered:

(A) by the party to whom they are directed; or

(B) if that party is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who must furnish the information available to the party.

(2) Time to Respond. The responding party must serve its answers and any objections within 30 days after being served with the interrogatories. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the arbitral tribunal.

(3) Answering Each Interrogatory. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.

(4) Objections. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the arbitral tribunal, for good cause, excuses the failure.

(5) Signature. The person who makes the answers must sign them, and the attorney who objects must sign any objections.

(c) Use. An answer to an interrogatory may be used to the extent allowed by the PAC Rules of Evidence.

(d) Option to Produce Business Records. If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by:

(1) specifying the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and

(2) giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.

Rule 34 – Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(a) In General. A party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:

(A) any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or

(B) any designated tangible things; or

(2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

(b) Procedure.

(1) Contents of the Request. The request:

(A) must describe with reasonable particularity each item or category of items to be inspected;

(B) must specify a reasonable time, place, and manner for the inspection and for performing the related acts; and

(C) may specify the form or forms in which electronically stored information is to be produced.

(2) Responses and Objections.

(A) Time to Respond. The party to whom the request is directed must respond in writing within 30 days after being served or — if the request was delivered under Rule 26(d)(2) — within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the arbitral tribunal.

(B) Responding to Each Item. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.

(C) Objections. An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

(D) Responding to a Request for Production of Electronically Stored Information. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form—or if no form was specified in the request—the party must identify the form or forms it intends to use.

(E) Producing the Documents or Electronically Stored Information. Unless otherwise stipulated or ordered by the arbitral tribunal, these procedures apply to producing documents or electronically stored information:

(i) A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request;

(ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and

(iii) A party need not produce the same electronically stored information in more than one form.

(c) Nonparties. As provided in Rule 45, a nonparty may be compelled to produce documents and tangible things or to permit an inspection.

Rule 35 – Physical and Mental Examinations

(a) Order for an Examination.

(1) In General. The arbitral tribunal where the action is pending may order a party whose mental or physical condition—including blood group—is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner. The arbitral tribunal has the same authority to order a party to produce for examination a person who is in its custody or under its legal control.

(2) Motion and Notice; Contents of the Order. The order:

(A) may be made only on motion for good cause and on notice to all parties and the person to be examined; and

(B) must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.

(b) Examiner's Report.

(1) Request by the Party or Person Examined. The party who moved for the examination must, on request, deliver to the requester a copy of the examiner's report, together with like reports of all earlier examinations of the same condition. The request may be made by the party against whom the examination order was issued or by the person examined.

(2) Contents. The examiner's report must be in writing and must set out in detail the examiner's findings, including diagnoses, conclusions, and the results of any tests.

(3) Request by the Moving Party. After delivering the reports, the party who moved for the examination may request—and is entitled to receive—from the party against whom the examination order was issued like reports of all earlier or later examinations of the same condition. But those reports need not be delivered by the party with custody or control of the person examined if the party shows that it could not obtain them.

(4) Waiver of Privilege. By requesting and obtaining the examiner's report, or by deposing the examiner, the party examined waives any privilege it may have—in that action or any other action involving the same controversy—concerning testimony about all examinations of the same condition.

(5) Failure to Deliver a Report. The arbitral tribunal on motion may order—on just terms—that a party deliver the report of an examination. If the report is not provided, the arbitral tribunal may exclude the examiner's testimony at trial.

(6) Scope. This subdivision (b) applies also to an examination made by the parties' agreement, unless the agreement states otherwise. This subdivision does not preclude obtaining an examiner's report or deposing an examiner under other rules.

Rule 36 – Requests for Admission

(a) Scope and Procedure.

(1) Scope. A party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to:

(A) facts, the application of law to fact, or opinions about either; and

(B) the genuineness of any described documents.

(2) Form; Copy of a Document. Each matter must be separately stated. A request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or was, otherwise furnished or made available for inspection and copying.

(3) Time to Respond; Effect of Not Responding. A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the arbitral tribunal.

(4) Answer. If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

(5) Objections. The grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial.

(6) Motion Regarding the Sufficiency of an Answer or Objection. The requesting party may move to determine the sufficiency of an answer or objection. Unless the arbitral tribunal finds an objection justified, it must order that an answer be served. On finding that an answer does not comply with this rule, the arbitral tribunal may order either that the matter is admitted or that an amended answer be served. The arbitral tribunal may defer its final decision until a pretrial conference or a specified time before trial. Rule 37(a)(5) applies to an award of expenses.

(b) Effect of an Admission; Withdrawing or Amending It. A matter admitted under this rule is conclusively established unless the arbitral tribunal, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), the arbitral tribunal may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the arbitral tribunal is not persuaded that it would prejudice the requesting

party in maintaining or defending the action on the merits. An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding.

Rule 37 – Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

(a) Motion for an Order Compelling Disclosure or Discovery.

(1) In General. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without arbitral tribunal action.

(2) Appropriate Arbitral Tribunal. A motion for an order to a party must be made in the arbitral tribunal where the action is pending. A motion for an order to a nonparty must be made in the arbitral tribunal where the discovery is or will be taken.

(3) Specific Motions.

(A) To Compel Disclosure. If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions.

(B) To Compel a Discovery Response. A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:

(i) a deponent fails to answer a question asked under Rule 30 or 31;

(ii) a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a)(4);

(iii) a party fails to answer an interrogatory submitted under Rule 33; or

(iv) a party fails to produce documents or fails to respond that inspection will be permitted—or fails to permit inspection—as requested under Rule 34.

(C) Related to a Deposition. When taking an oral deposition, the party asking a question may complete or adjourn the examination before moving for an order.

(4) Evasive or Incomplete Disclosure, Answer, or Response. For purposes of this subdivision (a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.

(5) Payment of Expenses; Protective Orders.

(A) If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing). If the motion is granted—or if the disclosure or requested discovery is provided after the motion was filed—the arbitral tribunal must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the arbitral tribunal must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without arbitral tribunal action;

(ii) the opposing party's nondisclosure, response, or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.

(B) If the Motion Is Denied. If the motion is denied, the arbitral tribunal may issue any protective order authorized under Rule 26(c) and must, after giving an opportunity to be heard, require the movant, the attorney filing the motion, or both to pay the party or deponent who opposed the motion its reasonable expenses incurred in opposing the motion, including attorney's fees. But the arbitral tribunal must not order this payment if the motion was substantially justified or other circumstances make an award of expenses unjust.

(C) If the Motion Is Granted in Part and Denied in Part. If the motion is granted in part and denied in part, the arbitral tribunal may issue any protective order authorized under Rule 26(c) and may, after giving an opportunity to be heard, apportion the reasonable expenses for the motion.

(b) Failure to Comply with an Arbitral Tribunal Order.

(1) Sanctions Sought in the Próspera ZEDE Where the Deposition Is Taken. If where the discovery is taken the arbitral tribunal orders a deponent to be sworn or to answer a question and the deponent fails to obey, the failure may be treated as contempt of arbitral tribunal. If a deposition-related motion is transferred to the arbitral tribunal where the action is pending, and that arbitral tribunal orders a deponent to be sworn or to answer a question and the deponent fails to obey, the failure may be treated as contempt of either the arbitral tribunal where the discovery is taken or the arbitral tribunal where the action is pending.

(2) Sanctions Sought in the Próspera ZEDE Where the Action Is Pending.

(A) For Not Obeying a Discovery Order. If a party or a party's officer, director, or managing agent—or a witness designated under Rule 30(b)(6) or 31(a)(4)—fails to obey an order to provide or permit discovery, including an order under Rule 26(f), 35, or 37(a), the arbitral tribunal

where the action is pending may issue further just orders. They may include the following:

(i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;

(ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(iii) striking pleadings in whole or in part;

(iv) staying further proceedings until the order is obeyed;

(v) dismissing the action or proceeding in whole or in part;

(vi) rendering a default award against the disobedient party; or

(vii) treating as contempt of arbitral tribunal the failure to obey any order except an order to submit to a physical or mental examination.

(B) For Not Producing a Person for Examination. If a party fails to comply with an order under Rule 35(a) requiring it to produce another person for examination, the arbitral tribunal may issue any of the orders listed in Rule 37(b)(2)(A)(i)—(vi), unless the disobedient party shows that it cannot produce the other person.

(C) Payment of Expenses. Instead of or in addition to the orders above, the arbitral tribunal must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

(c) Failure to Disclose, to Supplement an Earlier Response, or to Admit.

(1) Failure to Disclose or Supplement. If a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the arbitral tribunal, on motion and after giving an opportunity to be heard:

(A) may order payment of the reasonable expenses, including attorney's fees, caused by the failure;

(B) may inform the jury of the party's failure; and

(C) may impose other appropriate sanctions, including any of the orders listed in Rule 37(b)(2)(A)(i)—(vi).

(2) Failure to Admit. If a party fails to admit what is requested under Rule 36 and if the requesting party later proves a document to be genuine or the matter true, the requesting party may move that the party who failed to admit pay the reasonable expenses, including attorney's fees, incurred in making that proof. The arbitral tribunal must so order unless:

(A) the request was held objectionable under Rule 36(a);

(B) the admission sought was of no substantial importance;

(C) the party failing to admit had a reasonable ground to believe that it might prevail on the matter; or

(D) there was other good reason for the failure to admit.

(d) Party's Failure to Attend Its Own Deposition, Serve Answers to Interrogatories, or Respond to a Request for Inspection.

(1) In General.

(A) Motion; Grounds for Sanctions. The arbitral tribunal where the action is pending may, on motion, order sanctions if:

(i) a party or a party's officer, director, or managing agent—or a person designated under Rule 30(b)(6) or 31(a)(4)—fails, after being served with proper notice, to appear for that person's deposition; or

(ii) a party, after being properly served with interrogatories under Rule 33 or a request for inspection under Rule 34, fails to serve its answers, objections, or written response.

(B) Certification. A motion for sanctions for failing to answer or respond must include a certification that the movant has in good faith conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without arbitral tribunal action.

(2) Unacceptable Excuse for Failing to Act. A failure described in Rule 37(d)(1)(A) is not excused on the ground that the discovery sought was objectionable, unless the party failing to act has a pending motion for a protective order under Rule 26(c).

(3) Types of Sanctions. Sanctions may include any of the orders listed in Rule 37(b)(2)(A)(i)—(vi). Instead of or in addition to these sanctions, the arbitral tribunal must require the party failing to act, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

(e) Failure to Preserve Electronically Stored Information. If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the arbitral tribunal:

(1) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may:

(A) presume that the lost information was unfavorable to the party;

(B) instruct the jury that it may or must presume the information was unfavorable to the party; or

(C) dismiss the action or enter a default award.

(f) Failure to Participate in Framing a Discovery Plan. If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by Rule 26(f), the arbitral tribunal may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure.

TITLE VI. TRIALS

Rule 38 – Right to a Jury Trial; Demand

(a) Right Preserved. The right of trial by jury as and to the extent provided by a Próspera ZEDE Rule is preserved to the parties inviolate.

(b) Demand. On any issue triable of right by a jury, a party may demand a jury trial by:

(1) serving the other parties with a written demand—which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served; and

(2) filing the demand in accordance with Rule 5(d).

(c) Specifying Issues. In its demand, a party may specify the issues that it wishes to have tried by a jury; otherwise, it is considered to have demanded a jury trial on all the issues so triable. If the party has demanded a jury trial on only some issues, any other party may—within 14 days after being served with the demand or within a shorter time ordered by the arbitral tribunal—serve a demand for a jury trial on any other or all factual issues triable by jury.

(d) Waiver; Withdrawal. A party waives a jury trial unless its demand is properly served and filed. A proper demand may be withdrawn only if the parties consent.

(e) [reserved]

Rule 39 – Trial by Jury or by the Arbitral Tribunal

(a) When a Demand Is Made. When a jury trial was demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury unless:

(1) the parties or their attorneys file a stipulation to a nonjury trial or so stipulate on the record; or

(2) the arbitral tribunal, on motion or on its own, finds that on some or all of those issues there is no Próspera ZEDE right to a jury trial.

(b) When No Demand Is Made. Issues on which a jury trial is not properly demanded are to be tried by the arbitral tribunal. But the arbitral tribunal may, on motion, order a jury trial on any issue for which a jury might have been demanded.

(c) Advisory Jury; Jury Trial by Consent. In an action not triable of right by a jury, the arbitral tribunal, on motion or on its own:

(1) may try any issue with an advisory jury; or

(2) may, with the parties' consent, try any issue by a jury whose verdict has the same effect as if a jury trial had been a matter of right, unless the action is against the Próspera ZEDE and a Próspera ZEDE Rule provides for a nonjury trial.

Rule 40 – Scheduling Cases for Trial

Each arbitral tribunal must provide by rule for scheduling trials. The arbitral tribunal must give priority to actions entitled to priority by a Próspera ZEDE Rule.

Rule 41 – Dismissal of Actions

(a) Voluntary Dismissal.

(1) By the plaintiffplaintiff.

(A) Without an Arbitral Tribunal Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable Próspera ZEDE Rule, the plaintiff may dismiss an action without an arbitral tribunal order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary award; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any Próspera ZEDE- or state-arbitral tribunal action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

(2) By Arbitral Tribunal Order; Effect. Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by arbitral tribunal order, on terms that the arbitral tribunal considers proper. If a defendant has pleaded a

counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

(b) Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or an arbitral tribunal order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

(c) Dismissing a Counterclaim, Crossclaim, or Third-Party Claim. This rule applies to a dismissal of any counterclaim, crossclaim, or third-party claim. A claimant's voluntary dismissal under Rule 41(a)(1)(A)(i) must be made:

(1) before a responsive pleading is served; or

(2) if there is no responsive pleading, before evidence is introduced at a hearing or trial.

(d) Costs of a Previously Dismissed Action. If a plaintiff who previously dismissed an action in any arbitral tribunal files an action based on or including the same claim against the same defendant, the arbitral tribunal:

(1) may order the plaintiff to pay all or part of the costs of that previous action; and

(2) may stay the proceedings until the plaintiff has complied.

Rule 42 – Consolidation; Separate Trials

(a) Consolidation. If actions before the arbitral tribunal involve a common question of law or fact, the arbitral tribunal may:

(1) join for hearing or trial any or all matters at issue in the actions;

(2) consolidate the actions; or

(3) issue any other orders to avoid unnecessary cost or delay.

(b) Separate Trials. For convenience, to avoid prejudice, or to expedite and economize, the arbitral tribunal may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims. When ordering a separate trial, the arbitral tribunal must preserve any Próspera ZEDE right to a jury trial.

Rule 43 – Taking Testimony

(a) In Open Arbitral Tribunal. At trial, the witnesses' testimony must be taken in open arbitral tribunal unless a Próspera ZEDE Rule, the PAC Rules of Evidence, these rules, or other rules adopted by the PAC provide otherwise. For good cause in compelling

circumstances and with appropriate safeguards, the arbitral tribunal may permit testimony in open arbitral tribunal by contemporaneous transmission from a different location.

(b) Affirmation Instead of an Oath. When these rules require an oath, a solemn affirmation suffices.

(c) Evidence on a Motion. When a motion relies on facts outside the record, the arbitral tribunal may hear the matter on affidavits or may hear it wholly or partly on oral testimony or on depositions.

(d) Interpreter. The arbitral tribunal may appoint an interpreter of its choosing; fix reasonable compensation to be paid from funds provided by law or by one or more parties; and tax the compensation as costs.

Rule 44 – Proving an Official Record

(a) Means of Proving.

(1) Domestic Record. Each of the following evidences an official record—or an entry in it—that is otherwise admissible and is kept within the Próspera ZEDE, any state, Próspera ZEDE, or commonwealth, or any territory subject to the administrative or judicial jurisdiction of the Próspera ZEDE:

(A) an official publication of the record; or

(B) a copy attested by the officer with legal custody of the record—or by the officer's deputy—and accompanied by a certificate that the officer has custody. The certificate must be made under seal:

(i) by an Arbiter of an arbitral tribunal of record in the Próspera ZEDE or political subdivision where the record is kept; or

(ii) by any public officer with a seal of office and with official duties in the Próspera ZEDE or political subdivision where the record is kept.

(2) Foreign Record.

(A) In General. Each of the following evidences a foreign official record—or an entry in it—that is otherwise admissible:

(i) an official publication of the record; or

(ii) the record—or a copy—that is attested by an authorized person and is accompanied either by a final certification of genuineness or by a certification under a treaty or convention to which the Próspera ZEDE and the country where the record is located are parties.

(B) Final Certification of Genuineness. A final certification must certify the genuineness of the signature and official position of the attester or of any foreign official whose certificate of genuineness relates to the attestation or is in a chain of certificates of genuineness relating to the attestation. A final certification may be made by a secretary of a Próspera ZEDE embassy or legation; by a consul general, vice consul, or consular agent of the Próspera ZEDE; or by a diplomatic or consular official of the foreign country assigned or accredited to the Próspera ZEDE.

(C) Other Means of Proof. If all parties have had a reasonable opportunity to investigate a foreign record's authenticity and accuracy, the arbitral tribunal may, for good cause, either:

(i) admit an attested copy without final certification; or

(ii) permit the record to be evidenced by an attested summary with or without a final certification.

(b) Lack of a Record. A written statement that a diligent search of designated records revealed no record or entry of a specified tenor is admissible as evidence that the records contain no such record or entry. For domestic records, the statement must be authenticated under Rule 44(a)(1). For foreign records, the statement must comply with (a)(2)(C)(ii).

(c) Other Proof. A party may prove an official record—or an entry or lack of an entry in it—by any other method authorized by law.

Rule 44.1 – Determining non-Próspera ZEDE or Foreign Law

A party who intends to raise an issue about a non-Próspera ZEDE law or foreign country's law must give notice by a pleading or other writing. In determining foreign law, the arbitral tribunal may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under the PAC Rules of Evidence. The arbitral tribunal's determination must be treated as a ruling on a question of law.

Rule 45 – Subpoena

(a) In General.

(1) Form and Contents.

(A) Requirements—In General. Every subpoena must:

(i) state the arbitral tribunal that authorized it;

(ii) state the title of the action and its civil-action number;

(iii) command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or

tangible things in that person's possession, custody, or control; or permit the inspection of premises; and

(iv) set out the text of Rule 45(d) and (e).

(B) Command to Attend a Deposition—Notice of the Recording Method. A subpoena commanding attendance at a deposition must state the method for recording the testimony.

(C) Combining or Separating a Command to Produce or to Permit Inspection; Specifying the Form for Electronically Stored Information. A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.

(D) Command to Produce; Included Obligations. A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding person to permit inspection, copying, testing, or sampling of the materials.

(2) Issuing Arbitral Tribunal. A subpoena must initially issue from the arbitral tribunal where the action is pending and must thereafter be presented as an attachment to an application to the Próspera Court, or other court of competent jurisdiction under the Próspera Arbitration Statute, for confirmation and reissuance before service.

(3) Issued by Whom. The Administrator must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before presenting before the Próspera Court, or other court of competent jurisdiction under the Próspera Arbitration Statute. An attorney also may issue and sign a subpoena. However, all subpoenas must be presented as an attachment to an application to the Próspera Court, or other court of competent jurisdiction under the Próspera Arbitration Statute, for confirmation and reissuance before service.

(4) Notice to Other Parties Before Service. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.

(b) Service.

(1) By Whom and How; Tendering Fees. Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law. Fees

and mileage need not be tendered when the subpoena issues on behalf of the Próspera ZEDE or any of its officers or agencies.

(2) Service in the Próspera ZEDE or upon a Resident of Próspera ZEDE. A subpoena may be served at any place within the Próspera ZEDE or upon a Resident of Próspera ZEDE in the same manner as a summons.

(3) Service in a Foreign Country. A subpoena may be served in the same manner as a summons when served in a Foreign Country.

(4) Proof of Service. Proving service, when necessary, requires filing with the issuing arbitral tribunal a statement showing the date and manner of service and the names of the persons served. The statement must be certified by the server.

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the jurisdiction where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party of a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The arbitral tribunal for the Próspera ZEDE where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to

permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the arbitral tribunal for the Próspera ZEDE where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the arbitral tribunal for the Próspera ZEDE where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the arbitral tribunal for the Próspera ZEDE where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the arbitral tribunal may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the arbitral tribunal may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The arbitral tribunal may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the arbitral tribunal for the Próspera ZEDE where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Transferring a Subpoena-Related Motion. When the arbitral tribunal where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing arbitral tribunal if the person subject to the subpoena consents or if the arbitral tribunal finds exceptional circumstances. Then, if the attorney for a person subject to a subpoena is authorized to practice in the arbitral tribunal where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing arbitral tribunal. To enforce its order, the issuing arbitral tribunal may transfer the order to the arbitral tribunal where the motion was made.

(g) Contempt. The arbitral tribunal where compliance is required — and also, after a motion is transferred, the issuing arbitral tribunal — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Rule 46 – Objecting to a Ruling or Order

A formal exception to a ruling or order is unnecessary. When the ruling or order is requested or made, a party need only state the action that it wants the arbitral tribunal to take or objects to, along with the grounds for the request or objection. Failing to object does not prejudice a party who had no opportunity to do so when the ruling or order was made.

Rule 47 – Selecting Jurors

(a) Examining Jurors. The arbitral tribunal may permit the parties or their attorneys to examine prospective jurors or may itself do so. If the arbitral tribunal examines the jurors, it must permit the parties or their attorneys to make any further inquiry it considers proper, or must itself ask any of their additional questions it considers proper.

(b) Peremptory Challenges. The arbitral tribunal must allow the number of peremptory challenges provided by Próspera ZEDE Rule.

(c) Excusing a Juror. During trial or deliberation, the arbitral tribunal may excuse a juror for good cause.

Rule 48 – Number of Jurors; Verdict; Polling

(a) Number of Jurors. A jury must begin with at least 6 and no more than 12 members, and each juror must participate in the verdict unless excused under Rule 47(c).

(b) Verdict. Unless the parties stipulate otherwise, the verdict must be unanimous and must be returned by a jury of at least 6 members.

(c) Polling. After a verdict is returned but before the jury is discharged, the arbitral tribunal must on a party's request, or may on its own, poll the jurors individually. If the poll reveals a lack of unanimity or lack of assent by the number of jurors that the parties stipulated to, the arbitral tribunal may direct the jury to deliberate further or may order a new trial.

Rule 49 – Special Verdict; General Verdict and Questions

(a) Special Verdict.

(1) In General. The arbitral tribunal may require a jury to return only a special verdict in the form of a special written finding on each issue of fact. The arbitral tribunal may do so by:

(A) submitting written questions susceptible of a categorical or other brief answer;

(B) submitting written forms of the special findings that might properly be made under the pleadings and evidence; or

(C) using any other method that the arbitral tribunal considers appropriate.

(2) Instructions. The arbitral tribunal must give the instructions and explanations necessary to enable the jury to make its findings on each submitted issue.

(3) Issues Not Submitted. A party waives the right to a jury trial on any issue of fact raised by the pleadings or evidence but not submitted to the jury unless, before the jury retires, the party demands its submission to the jury. If the party does not demand submission, the arbitral tribunal may make a finding on the issue. If the arbitral tribunal makes no finding, it is considered to have made a finding consistent with its award on the special verdict.

(b) General Verdict with Answers to Written Questions.

(1) In General. The arbitral tribunal may submit to the jury forms for a general verdict, together with written questions on one or more issues of fact that the jury must decide. The arbitral tribunal must give the instructions and explanations necessary to enable the jury to render a general verdict and answer the questions in writing, and must direct the jury to do both.

(2) Verdict and Answers Consistent. When the general verdict and the answers are consistent, the arbitral tribunal must approve, for entry under Rule 58, an appropriate award on the verdict and answers.

(3) Answers Inconsistent with the Verdict. When the answers are consistent with each other but one or more is inconsistent with the general verdict, the arbitral tribunal may:

(A) approve, for entry under Rule 58, an appropriate award according to the answers, notwithstanding the general verdict;

(B) direct the jury to further consider its answers and verdict; or

(C) order a new trial.

(4) Answers Inconsistent with Each Other and the Verdict. When the answers are inconsistent with each other and one or more is also inconsistent with the general verdict, award must not be entered; instead, the arbitral tribunal must direct the jury to further consider its answers and verdict, or must order a new trial.

Rule 50 – Award as a Matter of Law in a Jury Trial; Related Motion for a New Trial; Conditional Ruling

(a) Award as a Matter of Law.

(1) [reserved]

(2) Motion. A motion for award as a matter of law may be made at any time before the case is submitted to the jury. The motion must specify the award sought and the law and facts that entitle the movant to the award.

(b) Renewing the Motion After Trial; Alternative Motion for a New Trial. If the arbitral tribunal does not grant a motion for award as a matter of law made under Rule 50(a), the arbitral tribunal is considered to have submitted the action to the jury subject to the arbitral tribunal's later deciding the legal questions raised by the motion. No later than 28 days after the entry of award—or if the motion addresses a jury issue not decided by a verdict, no later than 28 days after the jury was discharged—the movant may file a renewed motion for award as a matter of law and may include an alternative or joint request for a new trial under Rule 59. In ruling on the renewed motion, the arbitral tribunal may:

(1) allow award on the verdict, if the jury returned a verdict;

(2) order a new trial; or

(3) direct the entry of award as a matter of law.

(c) Granting the Renewed Motion; Conditional Ruling on a Motion for a New Trial.

(1) In General. If the arbitral tribunal grants a renewed motion for award as a matter of law, it must also conditionally rule on any motion for a new trial by determining whether a new trial should be granted if the award is later vacated or

reversed. The arbitral tribunal must state the grounds for conditionally granting or denying the motion for a new trial.

(2) Effect of a Conditional Ruling. Conditionally granting the motion for a new trial does not affect the award's finality; if the award is reversed, the new trial must proceed unless the arbitral tribunal of appeals orders otherwise. If the motion for a new trial is conditionally denied, the appellee may assert error in that denial; if the award is reversed, the case must proceed as the arbitral tribunal of appeals orders.

(d) Time for a Losing Party's New-Trial Motion. Any motion for a new trial under Rule 59 by a party against whom award as a matter of law is rendered must be filed no later than 28 days after the entry of the award.

(e) Denying the Motion for Award as a Matter of Law; Reversal on Appeal. If the arbitral tribunal denies the motion for award as a matter of law, the prevailing party may, as appellee, assert grounds entitling it to a new trial should the arbitral tribunal of appeals conclude that the trial arbitral tribunal erred in denying the motion. If the arbitral tribunal of appeals reverses the award, it may order a new trial, direct the trial arbitral tribunal to determine whether a new trial should be granted, or direct the entry of award.

Rule 51 – Instructions to the Jury; Objections; Preserving a Claim of Error

(a) Requests.

(1) Before or at the Close of the Evidence. At the close of the evidence or at any earlier reasonable time that the arbitral tribunal orders, a party may file and furnish to every other party written requests for the jury instructions it wants the arbitral tribunal to give.

(2) After the Close of the Evidence. After the close of the evidence, a party may:

(A) file requests for instructions on issues that could not reasonably have been anticipated by an earlier time that the arbitral tribunal set for requests; and

(B) with the arbitral tribunal's permission, file untimely requests for instructions on any issue.

(b) Instructions. The arbitral tribunal:

(1) must inform the parties of its proposed instructions and proposed action on the requests before instructing the jury and before final jury arguments;

(2) must give the parties an opportunity to object on the record and out of the jury's hearing before the instructions and arguments are delivered; and

(3) may instruct the jury at any time before the jury is discharged.

(c) Objections.

(1) How to Make. A party who objects to an instruction or the failure to give an instruction must do so on the record, stating distinctly the matter objected to and the grounds for the objection.

(2) When to Make. An objection is timely if:

(A) a party objects at the opportunity provided under Rule 51(b)(2); or

(B) a party was not informed of an instruction or action on a request before that opportunity to object, and the party objects promptly after learning that the instruction or request will be, or has been, given or refused.

(d) Assigning Error; Plain Error.

(1) Assigning Error. A party may assign as error:

(A) an error in an instruction actually given, if that party properly objected; or

(B) a failure to give an instruction, if that party properly requested it and—unless the arbitral tribunal rejected the request in a definitive ruling on the record—also properly objected.

(2) Plain Error. An arbitral tribunal may consider a plain error in the instructions that has not been preserved as required by Rule 51(d)(1) if the error affects substantial rights.

Rule 52 – Findings and Conclusions by the Arbitral Tribunal; Award on Partial Findings

(a) Findings and Conclusions.

(1) In General. In an action tried on the facts without a jury or with an advisory jury, the arbitral tribunal must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the arbitral tribunal. Award must be entered under Rule 58.

(2) For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, the arbitral tribunal must similarly state the findings and conclusions that support its action.

(3) For a Motion. The arbitral tribunal is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(4) Effect of a Master's Findings. A master's findings, to the extent adopted by the arbitral tribunal, must be considered the arbitral tribunal's findings.

(5) Questioning the Evidentiary Support. A party may later question the sufficiency of the evidence supporting the findings, whether or not the party

requested findings, objected to them, moved to amend them, or moved for partial findings.

(6) Setting Aside the Findings. Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing arbitral tribunal must give due regard to the trial arbitral tribunal's opportunity to Arbiter the witnesses' credibility.

(b) Amended or Additional Findings. On a party's motion filed no later than 28 days after the entry of award, the arbitral tribunal may amend its findings—or make additional findings—and may amend the award accordingly. The motion may accompany a motion for a new trial under Rule 59.

(c) Award on Partial Findings. If a party has been fully heard on an issue during a nonjury trial and the arbitral tribunal finds against the party on that issue, the arbitral tribunal may enter award against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. The arbitral tribunal may, however, decline to render any award until the close of the evidence. An award on partial findings must be supported by findings of fact and conclusions of law as required by Rule 52(a).

Rule 53 – Masters

(a) Appointment.

(1) Scope. Unless a Próspera ZEDE Rule provides otherwise, an arbitral tribunal may appoint a master only to:

(A) perform duties consented to by the parties;

(B) hold trial proceedings and make or recommend findings of fact on issues to be decided without a jury if appointment is warranted by:

(i) some exceptional condition; or

(ii) the need to perform an accounting or resolve a difficult computation of damages; or

(C) address pretrial and posttrial matters that cannot be effectively and timely addressed by an available Arbiter or Arbitral Officer of the Próspera ZEDE.

(2) Disqualification. A master must not have a relationship to the parties, attorneys, action, or arbitral tribunal that would require disqualification of an Arbiter the Próspera Arbitration Statute, unless the parties, with the arbitral tribunal's approval, consent to the appointment after the master discloses any potential grounds for disqualification.

(3) Possible Expense or Delay. In appointing a master, the arbitral tribunal must consider the fairness of imposing the likely expenses on the parties and must protect against unreasonable expense or delay.

(b) Order Appointing a Master.

(1) Notice. Before appointing a master, the arbitral tribunal must give the parties notice and an opportunity to be heard. Any party may suggest candidates for appointment.

(2) Contents. The appointing order must direct the master to proceed with all reasonable diligence and must state:

(A) the master's duties, including any investigation or enforcement duties, and any limits on the master's authority under Rule 53(c);

(B) the circumstances, if any, in which the master may communicate ex parte with the arbitral tribunal or a party;

(C) the nature of the materials to be preserved and filed as the record of the master's activities;

(D) the time limits, method of filing the record, other procedures, and standards for reviewing the master's orders, findings, and recommendations; and

(E) the basis, terms, and procedure for fixing the master's compensation under Rule 53(g).

(3) Issuing. The arbitral tribunal may issue the order only after:

(A) the master files an affidavit disclosing whether there is any ground for disqualification under Próspera Arbitration Statute; and

(B) if a ground is disclosed, the parties, with the arbitral tribunal's approval, waive the disqualification.

(4) Amending. The order may be amended at any time after notice to the parties and an opportunity to be heard.

(c) Master's Authority.

(1) In General. Unless the appointing order directs otherwise, a master may:

(A) regulate all proceedings;

(B) take all appropriate measures to perform the assigned duties fairly and efficiently; and

(C) if conducting an evidentiary hearing, exercise the appointing arbitral tribunal's power to compel, take, and record evidence.

(2) Sanctions. The master may by order impose on a party any noncontempt sanction provided by Rule 37 or 45, and may recommend a contempt sanction against a party and sanctions against a nonparty.

(d) Master's Orders. A master who issues an order must file it and promptly serve a copy on each party. The Administrator must enter the order on the docket.

(e) Master's Reports. A master must report to the arbitral tribunal as required by the appointing order. The master must file the report and promptly serve a copy on each party, unless the arbitral tribunal orders otherwise.

(f) Action on the Master's Order, Report, or Recommendations.

(1) Opportunity for a Hearing; Action in General. In acting on a master's order, report, or recommendations, the arbitral tribunal must give the parties notice and an opportunity to be heard; may receive evidence; and may adopt or affirm, modify, wholly or partly reject or reverse, or resubmit to the master with instructions.

(2) Time to Object or Move to Adopt or Modify. A party may file objections to—or a motion to adopt or modify—the master's order, report, or recommendations no later than 21 days after a copy is served, unless the arbitral tribunal sets a different time.

(3) Reviewing Factual Findings. The arbitral tribunal must decide de novo all objections to findings of fact made or recommended by a master, unless the parties, with the arbitral tribunal's approval, stipulate that:

(A) the findings will be reviewed for clear error; or

(B) the findings of a master appointed under Rule 53(a)(1)(A) or (C) will be final.

(4) Reviewing Legal Conclusions. The arbitral tribunal must decide de novo all objections to conclusions of law made or recommended by a master.

(5) Reviewing Procedural Matters. Unless the appointing order establishes a different standard of review, the arbitral tribunal may set aside a master's ruling on a procedural matter only for an abuse of discretion.

(g) Compensation.

(1) Fixing Compensation. Before or after award, the arbitral tribunal must fix the master's compensation on the basis and terms stated in the appointing order, but the arbitral tribunal may set a new basis and terms after giving notice and an opportunity to be heard.

(2) Payment. The compensation must be paid either:

(A) by a party or parties; or

(B) from a fund or subject matter of the action within the arbitral tribunal's control.

(3) Allocating Payment. The arbitral tribunal must allocate payment among the parties after considering the nature and amount of the controversy, the parties' means, and the extent to which any party is more responsible than other parties for the reference to a master. An interim allocation may be amended to reflect a decision on the merits.

(h) Appointing an Arbitral Officer. An Arbitral Officer is subject to this rule only when the order referring a matter to the Arbitral Officer states that the reference is made under this rule.

TITLE VII. AWARD

Rule 54 – Award; Costs

(a) Definition; Form. "Award" as used in these rules includes a decision, decree and any order from which an appeal lies. An award does not include recitals of pleadings, a master's report, or a record of prior proceedings. The arbitral tribunal shall enter an award on a claim for relief based on the governing law and facts.

(b) Award on Multiple Claims or Involving Multiple Parties. When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the arbitral tribunal may direct entry of a final award as to one or more, but fewer than all, claims or parties only if the arbitral tribunal expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of an award adjudicating all the claims and all the parties' rights and liabilities.

(c) Demand for Award; Relief to Be Granted. A default award must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final award should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings.

(d) Costs; Attorney's Fees.

(1) Costs Other Than Attorney's Fees. Unless a Próspera ZEDE Rule, these rules, or an arbitral tribunal order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party. But costs against the Próspera ZEDE, its officers, and its agencies may be imposed only to the extent allowed by law. The Administrator may tax costs on 14 days' notice. On motion served within the next 7 days, the arbitral tribunal may review the Administrator's action.

(2) Attorney's Fees.

(A) Claim to Be by Motion. A claim for attorney's fees and related nontaxable expenses must be made by motion unless the substantive law requires those fees to be proved at trial as an element of damages.

(B) Timing and Contents of the Motion. Unless a Próspera ZEDE Rule or an arbitral tribunal order provides otherwise, the motion must:

(i) be filed no later than 14 days after the entry of award;

(ii) specify the award and the Próspera ZEDE Rule, rule, or other grounds entitling the movant to the award;

(iii) state the amount sought or provide a fair estimate of it; and

(iv) disclose, if the arbitral tribunal so orders, the terms of any agreement about fees for the services for which the claim is made.

(C) Proceedings. Subject to Rule 23(h), the arbitral tribunal must, on a party's request, give an opportunity for adversary submissions on the motion in accordance with Rule 43(c) or 78. The arbitral tribunal may decide issues of liability for fees before receiving submissions on the value of services. The arbitral tribunal must find the facts and state its conclusions of law as provided in Rule 52(a).

(D) Special Procedures by Local Rule; Reference to a Master or an Arbitral Officer. By local rule, the arbitral tribunal may establish special procedures to resolve fee-related issues without extensive evidentiary hearings. Also, the arbitral tribunal may refer issues concerning the value of services to a special master under Rule 53 without regard to the limitations of Rule 53(a)(1), and may refer a motion for attorney's fees to an Arbitral Officer under Rule 72(b) as if it were a dispositive pretrial matter.

(E) Exceptions. Subparagraphs (A)–(D) do not apply to claims for fees and expenses as sanctions for violating these rules.

Rule 55 – Default; Default Award

(a) Entering a Default. When a party against whom an award for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the Administrator must enter the party's default. A default only establishes a concession by the defaulting party to the legal merits the relief sought. Damages must be assessed through the entry of a Default Award.

(b) Entering a Default Award.

(1) By the Administrator. If the plaintiff's claim is for a sum certain or a sum that can be made certain by ministerial computation, the Administrator—on the plaintiff's request, with an affidavit showing the amount due—must enter award for that amount and costs against a defendant who has been defaulted under Rule 55(a) and who is neither a minor nor an incompetent person.

(2) By the Arbitral Tribunal. In all other cases, the party must apply to the arbitral tribunal for a default award. A default award may be entered against a minor or

incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default award is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The arbitral tribunal may conduct hearings or make referrals—preserving any Próspera ZEDE statutory right to a jury trial—when, to enter or effectuate award, it needs to:

(A) conduct an accounting;

(B) determine the amount of damages;

(C) establish the truth of any allegation by evidence; or

(D) investigate any other matter.

(c) Setting Aside a Default or a Default Award. The arbitral tribunal may set aside an entry of default for good cause, and it may set aside a final default award under Rule 60(b).

(d) Award Against the Próspera ZEDE. A default award may be entered against the Próspera ZEDE, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the arbitral tribunal.

Rule 56 – Summary Award

(a) Motion for Summary Award or Partial Summary Award. A party may move for summary award, identifying each claim or defense — or the part of each claim or defense — on which summary award is sought. The arbitral tribunal shall grant summary award if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to award as a matter of law. The arbitral tribunal should state on the record the reasons for granting or denying the motion.

(b) Time to File a Motion. Unless a different time is set by local rule or the arbitral tribunal orders otherwise, a party may file a motion for summary award at any time until 30 days after the close of all discovery.

(c) Procedures.

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) Objection That a Fact Is Not Supported by Admissible Evidence. A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) Materials Not Cited. The arbitral tribunal need consider only the cited materials, but it may consider other materials in the record.

(4) Affidavits or Declarations. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the arbitral tribunal may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order.

(e) Failing to Properly Support or Address a Fact. If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the arbitral tribunal may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary award if the motion and supporting materials — including the facts considered undisputed — show that the movant is entitled to it; or

(4) issue any other appropriate order.

(f) Award Independent of the Motion. After giving notice and a reasonable time to respond, the arbitral tribunal may:

(1) grant summary award for a nonmovant;

(2) grant the motion on grounds not raised by a party; or

(3) consider summary award on its own after identifying for the parties, material facts that may not be genuinely in dispute.

(g) Failing to Grant All the Requested Relief. If the arbitral tribunal does not grant all the relief requested by the motion, it may enter an order stating any material fact — including an item of damages or other relief — that is not genuinely in dispute and treating the fact as established in the case.

(h) Affidavit or Declaration Submitted in Bad Faith. If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the arbitral

tribunal — after notice and a reasonable time to respond — may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.

Rule 57 – Declaratory Award

These rules govern the procedure for obtaining a declaratory award. Rules 38 and 39 govern a demand for a jury trial. The existence of another adequate remedy does not preclude a declaratory award that is otherwise appropriate. The arbitral tribunal may order a speedy hearing of a declaratory-award action.

Rule 58 – Entering Award

(a) Separate Document. Every award and amended award must be set out in a separate document, but a separate document is not required for an order disposing of a motion:

(1) for award under Rule 50(b);

(2) to amend or make additional findings under Rule 52(b);

(3) for attorney's fees under Rule 54;

(4) for a new trial, or to alter or amend the award, under Rule 59; or

(5) for relief under Rule 60.

(b) Entering Award.

(1) Without the Arbitral Tribunal's Direction. Subject to Rule 54(b) and unless the arbitral tribunal orders otherwise, the Administrator must, without awaiting the arbitral tribunal's direction, promptly prepare, sign, and enter the award when:

(A) the jury returns a general verdict;

(B) the arbitral tribunal awards only costs or a sum certain; or

(C) the arbitral tribunal denies all relief.

(2) Arbitral Tribunal's Approval Required. Subject to Rule 54(b), the arbitral tribunal must promptly approve the form of the award, which the Administrator must promptly enter, when:

(A) the jury returns a special verdict or a general verdict with answers to written questions; or

(B) the arbitral tribunal grants other relief not described in this subdivision (b).

(c) Time of Entry. For purposes of these rules, award is entered at the following times:

(1) if a separate document is not required, when the award is entered in the civil docket under Rule 79(a); or

(2) if a separate document is required, when the award is entered in the civil docket under Rule 79(a) and the earlier of these events occurs:

(A) it is set out in a separate document; or

(B) 150 days have run from the entry in the civil docket.

(d) Request for Entry. A party may request that award be set out in a separate document as required by Rule 58(a).

(e) Cost or Fee Awards. Ordinarily, the entry of award may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the arbitral tribunal may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under PAC Rule of Appellate Procedure 4 (a)(4) as a timely motion under Rule 59.

Rule 59 – New Trial; Altering or Amending an award

(a) In General.

(1) Grounds for New Trial. The arbitral tribunal may, on motion, grant a new trial on all or some of the issues—and to any party—as follows:

(A) after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in any common law jurisdiction; or

(B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in any common law jurisdiction.

(2) Further Action After a Nonjury Trial. After a nonjury trial, the arbitral tribunal may, on motion for a new trial, open the award if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new award.

(b) Time to File a Motion for a New Trial. A motion for a new trial must be filed no later than 28 days after the entry of award; such deadline is may not be extended.

(c) Time to Serve Affidavits. When a motion for a new trial is based on affidavits, they must be filed with the motion. The opposing party has 14 days after being served to file opposing affidavits. Reply affidavits may be filed only with the permission of the arbitral tribunal.

(d) New Trial on the Arbitral Tribunal's Initiative or for Reasons Not in the Motion. No later than 30 days after the entry of award, the arbitral tribunal, on its own, may order a new trial for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard, the arbitral tribunal may grant a timely motion for a new trial for a reason not stated in the motion. In either event, the arbitral tribunal must specify the reasons in its order.

(e) Motion to Alter or Amend an award. A motion to alter or amend an award must be filed no later than 30 days after the entry of the award; such deadline is may not be extended

Rule 60 – Relief from an award or Order

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The arbitral tribunal may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in an award, order, or other part of the record. The arbitral tribunal may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the arbitral tribunal of appeals and while it is pending, such a mistake may be corrected only with the arbitral tribunal of appeals' leave.

(b) Grounds for Relief from a Final Award, Order, or Proceeding. On motion and just terms, the arbitral tribunal may relieve a party or its legal representative from a final award, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the award is void;

(5) the award has been satisfied, released, or discharged; it is based on an earlier award that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

(c) Timing and Effect of the Motion.

(1) Timing. A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the award or order or the date of the proceeding.

(2) Effect on Finality. The motion does not affect the award's finality or suspend its operation.

(d) Other Powers to Grant Relief. This rule does not limit an arbitral tribunal's power to:

(1) entertain an independent action to relieve a party from an award, order, or proceeding;

(2) [reserved]; or

(3) set aside an award for fraud on the arbitral tribunal.

(e) Bills and Writs Abolished. The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela.

Rule 61 – Harmless Error

Unless justice requires otherwise, no error in admitting or excluding evidence—or any other error by the arbitral tribunal or a party—is ground for granting a new trial, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing an award or order. At every stage of the proceeding, the arbitral tribunal must disregard all errors and defects that do not affect any party's substantial rights.

Rule 62 – Stay of Proceedings to Enforce an award

(a) Automatic Stay. Except as provided in Rule 62(c) and (d), execution on an award and proceedings to enforce it are stayed for 30 days after its entry, unless the arbitral tribunal orders otherwise.

(b) Stay by Bond or Other Security. At any time after award is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the arbitral tribunal approves the bond or other security and remains in effect for the time specified in the bond or other security.

(c) Stay of an Injunction, Receivership, or Patent Accounting Order. Unless the arbitral tribunal orders otherwise, the following are not stayed after being entered, even if an appeal is taken:

(1) an interlocutory or final award in an action for an injunction or receivership; or

(2) an award or order that directs an accounting in an action for patent infringement.

(d) Injunction Pending an Appeal. While an appeal is pending from an interlocutory order or final award that grants, continues, modifies, refuses, dissolves, or refuses to dissolve or modify an injunction, the arbitral tribunal may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights. If the award appealed from is rendered by a statutory three-Arbiter trial arbitral tribunal, the order must be made either:

(1) by that arbitral tribunal sitting in open session; or

(2) by the assent of all its Arbiters, as evidenced by their signatures.

(e) Stay Without Bond on an Appeal by the Próspera ZEDE, Its Officers, or Its Agencies. The arbitral tribunal must not require a bond, obligation, or other security from the appellant when granting a stay on an appeal by the Próspera ZEDE, its officers, or its agencies or on an appeal directed by a department of the Próspera ZEDE government.

(f) Stay in Favor of an award Debtor Under State Law. If an award is a lien on the award debtor's property under the law of the state where the arbitral tribunal is located, the award debtor is entitled to the same stay of execution the state arbitral tribunal would give.

(g) Arbitral tribunal of appeals' Power Not Limited. This rule does not limit the power of the arbitral tribunal of appeals or one of its Arbiters or justices:

(1) to stay proceedings—or suspend, modify, restore, or grant an injunction—while an appeal is pending; or

(2) to issue an order to preserve the status quo or the effectiveness of the award to be entered.

(h) Stay with Multiple Claims or Parties. An arbitral tribunal may stay the enforcement of a final award entered under Rule 54(b) until it enters a later award or awards, and may prescribe terms necessary to secure the benefit of the stayed award for the party in whose favor it was entered.

Rule 62.1 – Indicative Ruling on a Motion for Relief That is Barred by a Pending Appeal

(a) Relief Pending Appeal. If a timely motion is made for relief that the arbitral tribunal lacks authority to grant because of an appeal that has been docketed and is pending, the arbitral tribunal may:

(1) defer considering the motion;

(2) deny the motion; or

(3) state either that it would grant the motion if the arbitral tribunal of appeals remands for that purpose or that the motion raises a substantial issue.

(b) Notice to the Arbitral Tribunal of Appeals. The movant must promptly notify the Administrator under PAC Rule of Appellate Procedure 12.1 if the trial arbitral tribunal states that it would grant the motion or that the motion raises a substantial issue.

(c) Remand. The trial arbitral tribunal may decide the motion if the arbitral tribunal of appeals remands for that purpose.

Rule 63 – Arbiter's Inability to Proceed

If an Arbiter conducting a hearing or trial is unable to proceed, any other Arbiter may proceed upon certifying familiarity with the record and determining that the case may be completed without prejudice to the parties. In a hearing or a nonjury trial, the successor Arbiter must, at a party's request, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor Arbiter may also recall any other witness.

TITLE VIII. PROVISIONAL AND FINAL REMEDIES

Rule 64 – Seizing a Person or Property

(a) [reserved]

(b) Specific Kinds of Remedies. The remedies available under this rule include the following—however designated and regardless of whether state procedure requires an independent action:

(1) arrest;

(2) attachment;
(3) garnishment;
(4) replevin;
(5) sequestration; and
(6) other corresponding or equivalent remedies.

Rule 65 – Injunctions and Restraining Orders

(a) Preliminary Injunction.

(1) Notice. The arbitral tribunal may issue a preliminary injunction only on notice to the adverse party.

(2) Consolidating the Hearing with the Trial on the Merits. Before or after beginning the hearing on a motion for a preliminary injunction, the arbitral tribunal may advance the trial on the merits and consolidate it with the hearing. Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial. But the arbitral tribunal must preserve any party's right to a jury trial.

(b) Temporary Restraining Order.

(1) Issuing Without Notice. The arbitral tribunal may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

(2) Contents; Expiration. Every temporary restraining order issued without notice must state the date and hour it was issued; describe the injury and state why it is irreparable; state why the order was issued without notice; and be promptly filed in the Administrator's office and entered in the record. The order expires at the time after entry—not to exceed 14 days—that the arbitral tribunal sets, unless before that time the arbitral tribunal, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

(3) Expediting the Preliminary-Injunction Hearing. If the order is issued without notice, the motion for a preliminary injunction must be set for hearing at the earliest possible time, taking precedence over all other matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion; if the party does not, the arbitral tribunal must dissolve the order.

(4) Motion to Dissolve. On 2 days' notice to the party who obtained the order without notice—or on shorter notice set by the arbitral tribunal—the adverse party may appear and move to dissolve or modify the order. The arbitral tribunal must then hear and decide the motion as promptly as justice requires.

(c) Security. The arbitral tribunal may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the arbitral tribunal considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The Próspera ZEDE, its officers, and its agencies are not required to give security.

(d) Contents and Scope of Every Injunction and Restraining Order.

(1) Contents. Every order granting an injunction and every restraining order must:

(A) state the reasons why it issued;

(B) state its terms specifically; and

(C) describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required.

(2) Persons Bound. The order binds only the following who receive actual notice of it by personal service or otherwise:

(A) the parties;

(B) the parties' officers, agents, servants, employees, and attorneys; and

(C) other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).

(e) Other Laws Not Modified. These rules do not modify the following:

(1) any Próspera ZEDE Rule relating to temporary restraining orders or preliminary injunctions in actions affecting employer and employee;

(2) [reserved]; or

(3) [reserved].

(f) Copyright Impoundment. This rule applies to copyright-impoundment proceedings.

Rule 65.1 – Proceedings Against a Surety

Whenever these rules (including the Supplemental Rules for Asset Forfeiture Actions) require or allow a party to give security, and security is given with one or more security providers, each provider submits to the arbitral tribunal's jurisdiction and irrevocably appoints the arbitral tribunal Administrator as its agent for receiving service of any papers that affect its liability on the security. The security provider's liability may be enforced on motion without an independent action. The motion and any notice that the arbitral tribunal orders may be served on the arbitral tribunal Administrator, who must promptly send a copy of each to every security provider whose address is known.

Rule 66 – Receivers

These rules govern an action in which the appointment of a receiver is sought or a receiver sues or is sued. But the practice in administering an estate by a receiver or a similar arbitral tribunal-appointed officer must accord with the historical practice in common law jurisdictions. An action in which a receiver has been appointed may be dismissed only by arbitral tribunal order.

Rule 67 – Deposit into Arbitral Tribunal

(a) Depositing Property. If any part of the relief sought is a money award or the disposition of a sum of money or some other deliverable thing, a party—on notice to every other party and by leave of arbitral tribunal—may deposit with the Administrator all or part of the money or thing, whether or not that party claims any of it. The depositing party must deliver to the Administrator a copy of the order permitting deposit.

(b) Investing and Withdrawing Funds. Money paid into the Administrator under this rule must be deposited and withdrawn in accordance with the Administrator's published procedures.

Rule 68 – Offer of Award

(a) Making an Offer; Award on an Accepted Offer. At least 14 days before the date set for trial, a party defending against a claim may serve on an opposing party an offer to allow award on specified terms, with the costs then accrued. If, within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The Administrator must then enter award.

(b) Unaccepted Offer. An unaccepted offer is considered withdrawn, but it does not preclude a later offer. Evidence of an unaccepted offer is not admissible except in a proceeding to determine costs.

(c) Offer After Liability is Determined. When one party's liability to another has been determined but the extent of liability remains to be determined by further proceedings, the party held liable may make an offer of award. It must be served within a reasonable time—but at least 14 days—before the date set for a hearing to determine the extent of liability.

(d) Paying Costs After an Unaccepted Offer. If the award that the offeree finally obtains is not more favorable than the unaccepted offer, the offeree must pay the costs incurred after the offer was made.

Rule 69 – Execution

(a) In General.

(1) Money Award; Applicable Procedure. A money award is enforced by a writ of execution, unless the arbitral tribunal directs otherwise.

(2) Obtaining Discovery. In aid of the award or execution, the award creditor or a successor in interest whose interest appears of record may obtain discovery from

any person—including the award debtor—as provided in these rules or by Próspera ZEDE Rule.

(b) [reserved].

Rule 70 – Enforcing an award for a Specific Act

(a) Party's Failure to Act; Ordering Another to Act. If an award requires a party to convey land, to deliver a deed or other document, or to perform any other specific act and the party fails to comply within the time specified, the arbitral tribunal may order the act to be done—at the disobedient party's expense—by another person appointed by the arbitral tribunal. When done, the act has the same effect as if done by the party.

(b) Vesting Title. If the real or personal property is within the Próspera ZEDE, the arbitral tribunal—instead of ordering a conveyance—may enter an award divesting any party's title and vesting it in others. That award has the effect of a legally executed conveyance.

(c) Obtaining a Writ of Attachment or Sequestration. On application by a party entitled to performance of an act, the Administrator must issue a writ of attachment or sequestration against the disobedient party's property to compel obedience.

(d) Obtaining a Writ of Execution or Assistance. On application by a party who obtains an award or order for possession, the Administrator must issue a writ of execution or assistance.

(e) Holding in Contempt. The arbitral tribunal may also hold the disobedient party in contempt.

Rule 71 – Enforcing Relief For or Against a Nonparty

When an order grants relief for a nonparty or may be enforced against a nonparty, the procedure for enforcing the order is the same as for a party provided that the nonparty is a Próspera resident who has agreed or is deemed to have agreed to submit to the jurisdiction of the default Arbitration Service Provider. Enforcing orders against any other nonparty requires the award to be attached to an application to the Próspera Court, or other court of competent jurisdiction under the Próspera Arbitration Statute, petitioning for enforcement and enforced by order of such court.

TITLE IX. SPECIAL PROCEEDINGS

Rule 71.1 – Condemning Real or Personal Property

(a) Applicability of Other Rules. These rules govern proceedings to condemn real and personal property by eminent domain, except as this rule provides otherwise.

(b) Joinder of Properties. The plaintiff may join separate pieces of property in a single action, no matter whether they are owned by the same persons or sought for the same use.

(c) Complaint.

(1) Caption. The complaint must contain a caption as provided in Rule 10(a). The plaintiff must, however, name as defendants both the property—designated

generally by kind, quantity, and location—and at least one owner of some part of or interest in the property.

(2) Contents. The complaint must contain a short and plain statement of the following:

(A) the authority for the taking;

(B) the uses for which the property is to be taken;

(C) a description sufficient to identify the property;

(D) the interests to be acquired; and

(E) for each piece of property, a designation of each defendant who has been joined as an owner or owner of an interest in it.

(3) Parties. When the action commences, the plaintiff need join as defendants only those persons who have or claim an interest in the property and whose names are then known. But before any hearing on compensation, the plaintiff must add as defendants all those persons who have or claim an interest and whose names have become known or can be found by a reasonably diligent search of the records, considering both the property's character and value and the interests to be acquired. All others may be made defendants under the designation "Unknown Owners."

(4) Procedure. Notice must be served on all defendants as provided in Rule 71.1(d), whether they were named as defendants when the action commenced or were added later. A defendant may answer as provided in Rule 71.1(e). The arbitral tribunal, meanwhile, may order any distribution of a deposit that the facts warrant.

(5) Filing; Additional Copies. In addition to filing the complaint, the plaintiff must give the Administrator at least one copy for the defendants' use and additional copies at the request of the Administrator or a defendant.

(d) Process.

(1) Delivering Notice to the trial arbitral tribunal. On filing a complaint, the plaintiff must promptly deliver to the Administrator joint or several notices directed to the named defendants. When adding defendants, the plaintiff must deliver to the Administrator additional notices directed to the new defendants.

(2) Contents of the Notice.

(A) Main Contents. Each notice must name the arbitral tribunal, the title of the action, and the defendant to whom it is directed. It must describe the property sufficiently to identify it, but need not describe any property other than that to be taken from the named defendant. The notice must also state:

(i) that the action is to condemn property;

(ii) the interest to be taken;

(iii) the authority for the taking;

(iv) the uses for which the property is to be taken;

(v) that the defendant may serve an answer on the plaintiff's attorney within 21 days after being served with the notice;

(vi) that the failure to so serve an answer constitutes consent to the taking and to the arbitral tribunal's authority to proceed with the action and fix the compensation; and

(vii) that a defendant who does not serve an answer may file a notice of appearance.

(B) Conclusion. The notice must conclude with the name, telephone number, and e-mail address of the plaintiff's attorney and an address within the Próspera ZEDE in which the action is brought where the attorney may be served.

(3) Serving the Notice.

(A) Personal Service. When a defendant whose address is known resides within the Próspera ZEDE or a territory subject to the administrative or judicial jurisdiction of the Próspera ZEDE, personal service of the notice (without a copy of the complaint) must be made in accordance with Rule 4.

(B) Service by Publication.

(i) A defendant may be served by publication only when the plaintiff's attorney files a certificate stating that the attorney believes the defendant cannot be personally served, because after diligent inquiry within the state where the complaint is filed, the defendant's place of residence is still unknown or, if known, that it is beyond the territorial limits of personal service. Service is then made by publishing the notice—once a week for at least 3 successive weeks—in a newspaper published in the county where the property is located or, if there is no such newspaper, in a newspaper with general circulation where the property is located. Before the last publication, a copy of the notice must also be mailed to every defendant who cannot be personally served but whose place of residence is then known. Unknown owners may be served by publication in the same manner by a notice addressed to "Unknown Owners."

(ii) Service by publication is complete on the date of the last publication. The plaintiff's attorney must prove publication and mailing by a certificate, attach a printed copy of the published notice, and mark on the copy the newspaper's name and the dates of publication.

(4) Effect of Delivery and Service. Delivering the notice to the Administrator and serving it have the same effect as serving a summons under Rule 4.

(5) Amending the Notice; Proof of Service and Amending the Proof. Rule 4(a)(2) governs amending the notice. Rule 4(l) governs proof of service and amending it.

(e) Appearance or Answer.

(1) Notice of Appearance. A defendant that has no objection or defense to the taking of its property may serve a notice of appearance designating the property in which it claims an interest. The defendant must then be given notice of all later proceedings affecting the defendant.

(2) Answer. A defendant that has an objection or defense to the taking must serve an answer within 21 days after being served with the notice. The answer must:

(A) identify the property in which the defendant claims an interest;

(B) state the nature and extent of the interest; and

(C) state all the defendant's objections and defenses to the taking.

(3) Waiver of Other Objections and Defenses; Evidence on Compensation. A defendant waives all objections and defenses not stated in its answer. No other pleading or motion asserting an additional objection or defense is allowed. But at the trial on compensation, a defendant—whether or not it has previously appeared or answered—may present evidence on the amount of compensation to be paid and may share in the award.

(f) Amending Pleadings. Without leave of arbitral tribunal, the plaintiff may—as often as it wants—amend the complaint at any time before the trial on compensation. But no amendment may be made if it would result in a dismissal inconsistent with Rule 71.1(i)(1) or (2). The plaintiff need not serve a copy of an amendment, but must serve notice of the filing, as provided in Rule 5(b), on every affected party who has appeared and, as provided in Rule 71.1(d), on every affected party who has not appeared. In addition, the plaintiff must give the Administrator at least one copy of each amendment for the defendants' use, and additional copies at the request of the Administrator or a defendant. A defendant may appear or answer in the time and manner and with the same effect as provided in Rule 71.1(e).

(g) Substituting Parties. If a defendant dies, becomes incompetent, or transfers an interest after being joined, the arbitral tribunal may, on motion and notice of hearing, order that

the proper party be substituted. Service of the motion and notice on a nonparty must be made as provided in Rule 71.1(d)(3).

(h) Trial of the Issues.

(1) Issues Other Than Compensation; Compensation. In an action involving eminent domain under Próspera ZEDE Rule, the arbitral tribunal tries all issues, including compensation, except when compensation must be determined:

(A) by any tribunal specially constituted by a Próspera ZEDE Rule to determine compensation; or

(B) if there is no such tribunal, by a jury when a party demands one within the time to answer or within any additional time the arbitral tribunal sets, unless the arbitral tribunal appoints a commission.

(2) Appointing a Commission; Commission's Powers and Report.

(A) Reasons for Appointing. If a party has demanded a jury, the arbitral tribunal may instead appoint a three-person commission to determine compensation because of the character, location, or quantity of the property to be condemned or for other just reasons.

(B) Alternate Commissioners. The arbitral tribunal may appoint up to two additional persons to serve as alternate commissioners to hear the case and replace commissioners who, before a decision is filed, the arbitral tribunal finds unable or disqualified to perform their duties. Once the commission renders its final decision, the arbitral tribunal must discharge any alternate who has not replaced a commissioner.

(C) Examining the Prospective Commissioners. Before making its appointments, the arbitral tribunal must advise the parties of the identity and qualifications of each prospective commissioner and alternate, and may permit the parties to examine them. The parties may not suggest appointees, but for good cause may object to a prospective commissioner or alternate.

(D) Commission's Powers and Report. A commission has the powers of a master under Rule 53(c). Its action and report are determined by a majority. Rule 53(d), (e), and (f) apply to its action and report.

(i) Dismissal of the Action or a defendantdefendant.

(1) Dismissing the Action.

(A) By the plaintiffplaintiff. If no compensation hearing on a piece of property has begun, and if the plaintiff has not acquired title or a lesser interest or taken possession, the plaintiff may, without an arbitral tribunal order, dismiss the action as to that property by filing a notice of dismissal briefly describing the property.

(B) By Stipulation. Before an award is entered vesting the plaintiff with title or a lesser interest in or possession of property, the plaintiff and affected defendants may, without an arbitral tribunal order, dismiss the action in whole or in part by filing a stipulation of dismissal. And if the parties so stipulate, the arbitral tribunal may vacate an award already entered.

(C) By Arbitral Tribunal Order. At any time before compensation has been determined and paid, the arbitral tribunal may, after a motion and hearing, dismiss the action as to a piece of property. But if the plaintiff has already taken title, a lesser interest, or possession as to any part of it, the arbitral tribunal must award compensation for the title, lesser interest, or possession taken.

(2) Dismissing a defendantdefendant. The arbitral tribunal may at any time dismiss a defendant who was unnecessarily or improperly joined.

(3) Effect. A dismissal is without prejudice unless otherwise stated in the notice, stipulation, or arbitral tribunal order.

(j) Deposit and Its Distribution.

(1) Deposit. The plaintiff must deposit with the arbitral tribunal any money required by law as a condition to the exercise of eminent domain and may make a deposit when allowed by Próspera ZEDE Rule.

(2) Distribution; Adjusting Distribution. After a deposit, the arbitral tribunal and attorneys must expedite the proceedings so as to distribute the deposit and to determine and pay compensation. If the compensation finally awarded to a defendant exceeds the amount distributed to that defendant, the arbitral tribunal must enter award against the plaintiff for the deficiency. If the compensation awarded to a defendant is less than the amount distributed to that defendant, the arbitral tribunal must enter award against that defendant for the overpayment.

(k) [reserved]

(l) Costs. Costs are not subject to Rule 54(d).

Rule 72 – Arbitral Officers: Pretrial Order

(a) Nondispositive Matters. When a pretrial matter not dispositive of a party's claim or defense is referred to an Arbitral Officer to hear and decide, the Arbitral Officer must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision. A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The Arbiter in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

(b) Dispositive Motions and Prisoner Petitions.

(1) Findings and Recommendations. An Arbitral Officer must promptly conduct the required proceedings when assigned, without the parties' consent, to hear a pretrial matter dispositive of a claim or defense or a prisoner petition challenging the conditions of confinement. A record must be made of all evidentiary proceedings and may, at the Arbitral Officer's discretion, be made of any other proceedings. The Arbitral Officer must enter a recommended disposition, including, if appropriate, proposed findings of fact. The Administrator must promptly mail a copy to each party.

(2) Objections. Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. A party may respond to another party's objections within 14 days after being served with a copy. Unless the Arbiter orders otherwise, the objecting party must promptly arrange for transcribing the record, or whatever portions of it the parties agree to or the Arbitral Officer considers sufficient.

(3) Resolving Objections. The Arbiter must determine de novo any part of the Arbitral Officer's disposition that has been properly objected to. The Arbiter may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the Arbitral Officer with instructions.

Rule 73 – Arbitral Officers: Trial by Consent; Appeal

(a) Trial by Consent. An Arbitral Officer may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial.

(b) Consent Procedure.

(1) In General. When an Arbitral Officer has been designated to conduct civil actions or proceedings, the Administrator must give the parties written notice of their opportunity to consent. To signify their consent, the parties must jointly or separately file a statement consenting to the referral. An Arbiter or Arbitral Officer may be informed of a party's response to the Administrator's notice only if all parties have consented to the referral.

(2) Reminding the Parties About Consenting. An Arbiter, Arbitral Officer, or other arbitral tribunal official may remind the parties of the Arbitral Officer's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.

(3) Vacating a Referral. On its own for good cause—or when a party shows extraordinary circumstances—the Arbiter may vacate a referral to an Arbitral Officer under this rule.

(c) Appealing an award. An appeal from an award entered at an Arbitral Officer's direction may be taken to the arbitral tribunal of appeals as would any other appeal from a trial arbitral tribunal award.

TITLE X. PRÓSPERA ARBITRAL TRIBUNAL: CONDUCTING BUSINESS; ISSUING ORDERS

Rule 74 [reserved]

Rule 75 [reserved]

Rule 76 [reserved]

Rule 77 – Conducting Business; Trial Arbitral tribunal's Authority; Notice of an Order or Award

(a) When Arbitral Tribunal Is Open. Every trial arbitral tribunal is considered always open for filing any paper, issuing and returning process, making a motion, or entering an order.

(b) Place for Trial and Other Proceedings. Every trial on the merits must be conducted in open arbitral tribunal and, so far as convenient, either by electronic means utilizing video conferencing or in a regular arbitral tribunal room. Any other act or proceeding may be done or conducted by an Arbiter in chambers, without the attendance of the Administrator or other arbitral tribunal official, and anywhere inside or outside the Próspera ZEDE. But no hearing—other than one ex parte—may be conducted outside the Próspera ZEDE unless all the affected parties' consent.

(c) trial arbitral tribunal's Office Hours; trial arbitral tribunal's Orders.

(1) Hours. The Administrator's office—with an Administrator or deputy on duty—must be open during business hours every day except Saturdays, Sundays, and legal holidays. But an arbitral tribunal may, by local rule or order, require that the office be open for specified hours on Saturday or a particular legal holiday other than one listed in Rule 6(a)(6)(A).

(2) Orders. Subject to the arbitral tribunal's power to suspend, alter, or rescind the Administrator's action for good cause, the Administrator may:

(A) issue process;

(B) enter a default;

(C) enter a default award under Rule 55(b)(1); and

(D) act on any other matter that does not require the arbitral tribunal's action.

(d) Serving Notice of an Order or Award.

(1) Service. Immediately after entering an order or award, the Administrator must serve notice of the entry, as provided in Rule 5(b), on each party who is not in default for failing to appear. The Administrator must record the service on the docket. A party also may serve notice of the entry as provided in Rule 5(b).

(2) Time to Appeal Not Affected by Lack of Notice. Lack of notice of the entry does not affect the time for appeal or relieve—or authorize the arbitral tribunal to relieve—a party for failing to appeal within the time allowed, except as allowed by PAC Rule of Appellate Procedure (4)(a).

Rule 78 – Hearing Motions; Submission on Briefs

(a) Providing a Regular Schedule for Oral Hearings. An arbitral tribunal may establish regular times and places for oral hearings on motions.

(b) Providing for Submission on Briefs. By rule or order, the arbitral tribunal may provide for submitting and determining motions on briefs, without oral hearings.

Rule 79 – Records Kept by the Trial Arbitral Tribunal

(a) Civil Docket.

(1) In General. The Administrator must keep a record known as the "civil docket" in the form and manner prescribed by the Standing Competence and Ethics Committee of the PAC. The Administrator must enter each civil action in the docket. Actions must be assigned consecutive file numbers, which must be noted in the docket where the first entry of the action is made.

(2) Items to be Entered. The following items must be marked with the file number and entered chronologically in the docket:

(A) papers filed with the Administrator;

(B) process issued, and proofs of service or other returns showing execution; and

(C) appearances, orders, verdicts, and awards.

(3) Contents of Entries; Jury Trial Demanded. Each entry must briefly show the nature of the paper filed or writ issued, the substance of each proof of service or other return, and the substance and date of entry of each order and award. When a jury trial has been properly demanded or ordered, the Administrator must enter the word "jury" in the docket.

(b) Civil Awards and Orders. The Administrator must keep a copy of every final award and appealable order; of every order affecting title to or a lien on real or personal property; and of any other order that the arbitral tribunal directs to be kept. The Administrator must keep these in the form and manner prescribed by the Standing Competence and Ethics Committee of the PAC.

(c) Indexes; Calendars. Under the arbitral tribunal's direction, the Administrator must:

(1) keep indexes of the docket and of the awards and orders described in Rule 79(b); and

(2) prepare calendars of all actions ready for trial, distinguishing jury trials from nonjury trials.

(d) Other Records. The Administrator must keep any other records required by the Standing Competence and Ethics Committee of the PAC with the approval of the Judicial Conference of the Próspera ZEDE.

Rule 80 – Stenographic Transcript or Other Recording as Evidence

If stenographically reported testimony or any other recorded testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript or recording certified by the person who reported or recorded it.

TITLE XI. GENERAL PROVISIONS

Rule 81 – [reserved]

Rule 82 – Jurisdiction and Venue Unaffected

These rules do not extend or limit the jurisdiction of the trial arbitral tribunals or the venue of actions in those arbitral tribunals.

Rule 83 – [reserved]

TITLE XII. [reserved]

TITLE XIII. SUPPLEMENTAL RULES FOR ASSET FORFEITURE ACTIONS

Rule A – Scope of Rules

(1) These Supplemental Rules apply to:

(A) [reserved]

(i) [reserved]

(ii) actions in rem,

(iii) possessory, petitory, and partition actions, and

(iv) actions for exoneration from or limitation of liability; and

(B) forfeiture actions in rem arising from a Próspera ZEDE Rule;

(C) [reserved]

(2) The PAC Rules of Civil Procedure also apply to the foregoing proceedings except to the extent that they are inconsistent with these Supplemental Rules.

Rule B – [reserved]

Rule C – In Rem Actions: Special Provisions

(1) When Available. An action in rem may be brought when justified by Próspera Rule.

(a) [reserved]

(b) [reserved]

(2) Complaint. In an action in rem the complaint must:

(a) be verified;

(b) describe with reasonable particularity the property that is the subject of the action; and

(c) state that the property is within the Próspera ZEDE or will be within the Próspera ZEDE while the action is pending.

(3) Judicial Authorization and Process.

(a) [reserved]

(i) [reserved]

(ii) [reserved]

(b) Service.

(i) [reserved]

(ii) If the property that is the subject of the action is other property, tangible or intangible, the warrant and any supplemental process must be delivered to a person or organization authorized to enforce it, who may be: (A) [reserved]; (B) someone under contract with the Próspera ZEDE; (C) someone specially appointed by the arbitral tribunal for that purpose; or, (D) in an action brought by the Próspera ZEDE, any officer or employee of the Próspera ZEDE.

(c) Deposit in Arbitral Tribunal. If the property that is the subject of the action consists in whole or in part of freight, the proceeds of property sold, or other intangible property, the Administrator must issue—in addition to the warrant—a summons directing any person controlling the property to show cause why it should not be deposited in arbitral tribunal to abide the award.

(d) Supplemental Process. The Administrator may upon application issue supplemental process to enforce the arbitral tribunal's order without further arbitral tribunal order.

(4) Notice. No notice other than execution of process is required when the property that is the subject of the action has been released under Rule E(5). If the property is not released within 14 days after execution, the plaintiff must promptly—or within the time that the arbitral tribunal allows—give public notice of the action and arrest in a newspaper designated by arbitral tribunal order and having general circulation in the Próspera ZEDE, but publication may be terminated if the property is released before publication is completed. The notice must specify the time under Rule C(6) to file a statement of interest in or right against the seized property and to answer.

(5) Ancillary Process. In any action in rem in which process has been served as provided by this rule, if any part of the property that is the subject of the action has not been brought within the control of the arbitral tribunal because it has been removed or sold, or because it is intangible property in the hands of a person who has not been served with process, the arbitral tribunal may, on motion, order any person having possession or control of such property or its proceeds to show cause why it should not be delivered into the custody of the person or organization having a warrant for the arrest of the property, or paid into arbitral tribunal to abide the award; and, after hearing, the arbitral tribunal may enter such award as law and justice may require.

(6) Responsive Pleading; Interrogatories.

(a) Statement of Interest; Answer. In an action in rem:

(i) a person who asserts a right of possession or any ownership interest in the property that is the subject of the action must file a verified statement of right or interest:

(A) within 14 days after the execution of process, or

(B) within the time that the arbitral tribunal allows;

(ii) the statement of right or interest must describe the interest in the property that supports the person's demand for its restitution or right to defend the action;

(iii) an agent, bailee, or attorney must state the authority to file a statement of right or interest on behalf of another; and

(iv) a person who asserts a right of possession or any ownership interest must serve an answer within 21 days after filing the statement of interest or right.

(b) Interrogatories. Interrogatories may be served with the complaint in an in rem action without leave of arbitral tribunal. Answers to the interrogatories must be served with the answer to the complaint.

Rule D – [reserved]

Rule E – [reserved]

Rule F – [reserved]

Rule G – [reserved]

PAC Rules of Appellate Procedure for Moderate, Major, Extraordinary and Equitable Claims

TITLE I. APPLICABILITY OF RULES

Rule 1. Scope of Rules; Definition; Title

(a) Scope of Rules.

(1) These rules govern procedure in the arbitral tribunal of appeals for claims having a value of at least $50,000.00 USD or involving equitable relief, unless otherwise provided by PAC Rule.

(2) When these rules provide for filing a motion or other document in the trial arbitral tribunal, the procedure must comply with the practice of the trial arbitral tribunal.

(b) [reserved]

(c) Title. These rules are to be known as the PAC Rules of Appellate Procedure.

Rule 2. Suspension of Rules

On its own or a party's motion, an arbitral tribunal of appeals may—to expedite its decision or for other good cause—suspend any provision of these rules in a particular case and order proceedings as it directs, except as otherwise provided in Rule 26(b).

TITLE II – APPEAL FROM AN AWARD OR ORDER OF A TRIAL ARBITRAL TRIBUNAL

Rule 3. Appeal as of Right—How Taken

(a) Filing the Notice of Appeal.

(1) An appeal permitted by law as of right from a trial arbitral tribunal to an arbitral tribunal of appeals may be taken only by filing a notice of appeal with the Administrator within the time allowed by Rule 4. At the time of filing, the appellant must furnish the Administrator with enough copies of the notice to enable the Administrator to comply with Rule 3(d).

(2) An appellant's failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the arbitral tribunal of appeals to act as it considers appropriate, including dismissing the appeal.

(3) An appeal from an award by an Arbitral Officer in a civil case is taken in the same way as an appeal from any other trial arbitral tribunal award.

(4) [reserved]

(b) Joint or Consolidated Appeals.

(1) When two or more parties are entitled to appeal from a trial arbitral tribunal award or order, and their interests make joinder practicable, they may file a joint notice of appeal. They may then proceed on appeal as a single appellant.

(2) When the parties have filed separate timely notices of appeal, the appeals may be joined or consolidated by the arbitral tribunal of appeals.

(c) Contents of the Notice of Appeal.

(1) The notice of appeal must:

(A) specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as "all plaintiffs," "the defendants," "the plaintiffs A, B, et al.," or "all defendants except X";

(B) designate the award, order, or part thereof being appealed; and

(C) name the arbitral tribunal to which the appeal is taken.

(2) A pro se notice of appeal is considered filed on behalf of the signer and the signer's spouse and minor children (if they are parties), unless the notice clearly indicates otherwise.

(3) In a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class.

(4) An appeal must not be dismissed for informality of form or title of the notice of appeal, or for failure to name a party whose intent to appeal is otherwise clear from the notice.

(5) [reserved]

(d) Serving the Notice of Appeal.

(1) The Administrator must serve notice of the filing of a notice of appeal by mailing or emailing a copy to each party's counsel of record—excluding the appellant's—or, if a party is proceeding pro se, to the party's last known address. The Administrator must promptly send a copy of the notice of appeal and of the docket entries—and any later docket entries—to the Administrator of the arbitral tribunal of appeals named in the notice. The Administrator must note, on each copy, the date when the notice of appeal was filed.

(2) If an inmate confined in an institution files a notice of appeal in the manner provided by Rule 4(c), the Administrator must also note the date when the Administrator docketed the notice.

(3) The Administrator's failure to serve notice does not affect the validity of the appeal. The Administrator must note on the docket the names of the parties to whom the Administrator mails copies, with the date of mailing. Service is sufficient despite the death of a party or the party's counsel.

(e) Payment of Fees. Upon filing a notice of appeal, the appellant must pay the Administrator all required fees. The Administrator receives the appellate docket fee on behalf of the arbitral tribunal of appeals.

Rule 4. Appeal as of Right—When Taken

(a) Appeal in a Civil Case.

(1) Time for Filing a Notice of Appeal.

(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the Administrator within 30 days after entry of the award or order appealed from.

(B) The notice of appeal may be filed by any party within 60 days after entry of the award or order appealed from if one of the parties is:

(i) the Próspera ZEDE;

(ii) a Próspera ZEDE agency or General Service Provider;

(iii) a Próspera ZEDE officer or employee sued in an official capacity; or

(iv) a current or former Próspera ZEDE officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the Próspera ZEDE' behalf — including all instances in which the Próspera ZEDE represents that person when the award or order is entered or files the appeal for that person.

(C) [reserved]

(2) Filing Before Entry of Award. A notice of appeal filed after the arbitral tribunal announces a decision or order—but before the entry of the award or order—is treated as filed on the date of and after the entry.

(3) Multiple Appeals. If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later.

(4) Effect of a Motion on a Notice of Appeal.

(A) If a party files in the trial arbitral tribunal any of the following motions under the PAC Rules of Civil Procedure—and does so within the time allowed by those rules—the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

(i) for award under Rule 50(b);

(ii) to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the award;

(iii) for attorney's fees under Rule 54 if the trial arbitral tribunal extends the time to appeal under Rule 58;

(iv) to alter or amend the award under Rule 59;

(v) for a new trial under Rule 59; or

(vi) for relief under Rule 60 if the motion is filed no later than 28 days after the award is entered.

(B)

(i) If a party files a notice of appeal after the arbitral tribunal announces or enters an award—but before it disposes of any motion listed in Rule 4(a)(4)(A)—the notice becomes effective to

appeal an award or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

(ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a)(4)(A), or an award's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

(iii) No additional fee is required to file an amended notice.

(5) Motion for Extension of Time.

(A) The trial arbitral tribunal may extend the time to file a notice of appeal on a one time basis if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the arbitral tribunal requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

(6) Reopening the Time to File an Appeal. The trial arbitral tribunal may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the arbitral tribunal finds that the moving party did not receive notice under PAC Rule of Civil Procedure 77(d) of the entry of the award or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the award or order is entered or within 14 days after the moving party receives notice under PAC Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and

(C) the arbitral tribunal finds that no party would be prejudiced.

(7) Entry Defined.

(A) An award or order is entered for purposes of this Rule 4(a):

(i) if PAC Rule of Civil Procedure 58(a) does not require a separate document, when the award or order is entered in the civil docket under PAC Rule of Civil Procedure 79(a); or

(ii) if PAC Rule of Civil Procedure 58(a) requires a separate document, when the award or order is entered in the civil docket under PAC Rule of Civil Procedure 79(a) and when the earlier of these events occurs:

- the award or order is set forth on a separate document, or
- 150 days have run from entry of the award or order in the civil docket under PAC Rule of Civil Procedure 79(a).

(B) A failure to set forth an award or order on a separate document when required by PAC Rule of Civil Procedure 58(a) does not affect the validity of an appeal from that award or order.

(b) [reserved]

(c) [reserved]

(d) [reserved]

Rule 5. Appeal by Permission

(a) Petition for Permission to Appeal.

(1) To request permission to appeal when an appeal is within the arbitral tribunal of appeals' discretion, a party must file a petition for permission to appeal. The petition must be filed with the Administrator with proof of service on all other parties to the trial arbitral tribunal action.

(2) The petition must be filed within the time specified by the Próspera ZEDE Rule or rule authorizing the appeal or, if no such time is specified, within the time provided by Rule 4(a) for filing a notice of appeal.

(3) If a party cannot petition for appeal unless the trial arbitral tribunal first enters an order granting permission to do so or stating that the necessary conditions are met, the trial arbitral tribunal may amend its order, either on its own or in response to a party's motion, to include the required permission or statement. In that event, the time to petition runs from entry of the amended order.

(b) Contents of the Petition; Answer or Cross-Petition; Oral Argument.

(1) The petition must include the following:

(A) the facts necessary to understand the question presented;

(B) the question itself;

(C) the relief sought;

(D) the reasons why the appeal should be allowed and is authorized by a Próspera ZEDE Rule or rule; and

(E) an attached electronic or physical copy of:

(i) the order, decree, or award complained of and any related opinion or memorandum, and

(ii) any order stating the trial arbitral tribunal's permission to appeal or finding that the necessary conditions are met.

(2) A party may file an answer in opposition or a cross-petition within 10 days after the petition is served.

(3) The petition and answer will be submitted without oral argument unless the arbitral tribunal of appeals orders otherwise.

(c) Form of Papers; Number of Copies; Length Limits. All papers must conform to Rule 32(c)(2). If electronic filing is not used, an original and 3 copies must be filed unless the arbitral tribunal requires a different number by local rule or by order in a particular case. Except by the arbitral tribunal's permission, and excluding the accompanying documents required by Rule 5(b)(1)(E):

(1) a paper produced using a computer must not exceed 5,200 words; and

(2) a handwritten or typewritten paper must not exceed 20 pages.

(d) Grant of Permission; Fees; Cost Bond; Filing the Record.

(1) Within 14 days after the entry of the order granting permission to appeal, the appellant must:

(A) pay the Administrator all required fees; and

(B) file a cost bond if required under Rule 7.

(2) A notice of appeal need not be filed. The date when the order granting permission to appeal is entered serves as the date of the notice of appeal for calculating time under these rules.

(3) [reserved]

Rule 6 [reserved]

Rule 7. Bond for Costs on Appeal in a Civil Case

In a civil case, the trial arbitral tribunal may require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on appeal. Rule 8(b) applies to a surety on a bond given under this rule.

Rule 8. Stay or Injunction Pending Appeal

(a) Motion for Stay.

(1) Initial Motion in the trial arbitral tribunal. A party must ordinarily move first in the trial arbitral tribunal for the following relief:

(A) a stay of the award or order of a trial arbitral tribunal pending appeal;

(B) approval of a bond or other security provided to obtain a stay of enforcement; or

(C) an order suspending, modifying, restoring, or granting an injunction while an appeal is pending.

(2) Motion in the Arbitral Tribunal of Appeals; Conditions on Relief. A motion for the relief mentioned in Rule 8(a)(1) may be made to the arbitral tribunal of appeals or to one of its Arbiters.

(A) The motion must:

(i) show that moving first in the trial arbitral tribunal would be impracticable; or

(ii) state that, a motion having been made, the trial arbitral tribunal denied the motion or failed to afford the relief requested and state any reasons given by the trial arbitral tribunal for its action.

(B) The motion must also include:

(i) the reasons for granting the relief requested and the facts relied on;

(ii) originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

(iii) relevant parts of the record.

(C) The moving party must give reasonable notice of the motion to all parties.

(D) A motion under this Rule 8(a)(2) must be filed with the Administrator and normally will be considered by a panel of the arbitral tribunal. But in an exceptional case in which time requirements make that procedure impracticable, the motion may be made to and considered by a single Arbiter.

(E) The arbitral tribunal may condition relief on a party's filing a bond or other security in the trial arbitral tribunal.

(b) Proceeding Against a Security Provider. If a party gives security with one or more security providers, each provider submits to the jurisdiction of the trial arbitral tribunal and irrevocably appoints the Administrator as its agent on whom any papers affecting its liability on the security may be served. On motion, a security provider's liability may be enforced in the trial arbitral tribunal without the necessity of an independent action. The

motion and any notice that the trial arbitral tribunal prescribes may be served on the Administrator, who must promptly send a copy to each security provider whose address is known.

(c) [reserved]

Rule 9 [reserved]

Rule 10. The Record on Appeal

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

(1) the original papers and exhibits filed in the trial arbitral tribunal;

(2) the transcript of proceedings, if any; and

(3) a certified copy of the docket entries prepared by the Administrator.

(b) The Transcript of Proceedings.

(1) Appellant's Duty to Order. Within 14 days after filing the notice of appeal or entry of an order disposing of the last timely remaining motion of a type specified in Rule 4(a)(4)(A), whichever is later, the appellant must do either of the following:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, subject to a local rule of the arbitral tribunal of appeals and with the following qualifications:

(i) the order must be in writing;

(ii) [reserved]; and

(iii) the appellant must, within the same period, file a copy of the order with the Administrator; or

(B) file a certificate stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion.

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must—within the 14 days provided in Rule 10(b)(1)—file a statement of the issues that the appellant intends to present on the appeal and must serve on the appellee a copy of both the order or certificate and the statement;

(B) if the appellee considers it necessary to have a transcript of other parts of the proceedings, the appellee must, within 14 days after the service of

the order or certificate and the statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 14 days after service of that designation the appellant has ordered all such parts, and has so notified the appellee, the appellee may within the following 14 days either order the parts or move in the trial arbitral tribunal for an order requiring the appellant to do so.

(4) Payment. At the time of ordering, a party must make satisfactory arrangements with the reporter for paying the cost of the transcript.

(c) Statement of the Evidence When the Proceedings Were Not Recorded or When a Transcript Is Unavailable. If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served on the appellee, who may serve objections or proposed amendments within 14 days after being served. The statement and any objections or proposed amendments must then be submitted to the trial arbitral tribunal for settlement and approval. As settled and approved, the statement must be included by the Administrator in the record on appeal.

(d) Agreed Statement as the Record on Appeal. In place of the record on appeal as defined in Rule 10(a), the parties may prepare, sign, and submit to the trial arbitral tribunal a statement of the case showing how the issues presented by the appeal arose and were decided in the trial arbitral tribunal. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the arbitral tribunal's resolution of the issues. If the statement is truthful, it—together with any additions that the trial arbitral tribunal may consider necessary to a full presentation of the issues on appeal—must be approved by the trial arbitral tribunal and must then be certified to the arbitral tribunal of appeals as the record on appeal. The Administrator must then send it to the Administrator within the time provided by Rule 11. A copy of the agreed statement may be filed in place of the appendix required by Rule 30.

(e) Correction or Modification of the Record.

(1) If any difference arises about whether the record truly discloses what occurred in the trial arbitral tribunal, the difference must be submitted to and settled by that arbitral tribunal and the record conformed accordingly.

(2) If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:

(A) on stipulation of the parties;

(B) by the trial arbitral tribunal before or after the record has been forwarded; or

(C) by the arbitral tribunal of appeals.

(3) All other questions as to the form and content of the record must be presented to the arbitral tribunal of appeals.

Rule 11. Forwarding the Record

(a) Appellant's Duty. An appellant filing a notice of appeal must comply with Rule 10(b) and must do whatever else is necessary to enable the Administrator to assemble and forward the record. If there are multiple appeals from an award or order, the Administrator must forward a single record.

(b) Duties of Reporter (including Translator and Administrator acting in such capacity) and PAC trial arbitral tribunal.

(1) Reporter's Duty to Prepare and File a Transcript or Recording. The reporter must prepare and file a transcript or recording as follows:

(A) Upon receiving an order for a transcript or recording of proceedings, the reporter must enter at the foot of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the Administrator.

(B) If the transcript or recording cannot be completed or furnished within 30 days of the reporter's receipt of the order, the reporter may request the Administrator to grant additional time to complete it. The Administrator must note on the docket the action taken and notify the parties.

(C) When a transcript or recording is complete, the reporter must file it with the Administrator and notify the Administrator of the filing.

(D) If the reporter fails to file the transcript on time, the Administrator must notify the Arbiter and do whatever else the arbitral tribunal of appeals directs.

(2) PAC trial arbitral tribunal's Duty to Forward. When the record is complete, the Administrator must number the documents constituting the record and send them promptly to the arbitral tribunal of appeals together with a list of the documents correspondingly numbered and reasonably identified. Unless directed to do so by a party or the Administrator, the Administrator will not send to the arbitral tribunal of appeals documents of unusual bulk or weight, physical exhibits other than documents, or other parts of the record designated for omission by local rule of the arbitral tribunal of appeals. If the exhibits are unusually bulky or heavy, a party must arrange with the Administrators in advance for their transportation and receipt. Electronic transmission of the record is permissible.

(c) Retaining the Record Temporarily in the trial arbitral tribunal for Use in Preparing the Appeal. The parties may stipulate, or the trial arbitral tribunal on motion may order, that the Administrator retain the record temporarily for the parties to use in preparing the papers on appeal. In that event the Administrator must certify to the arbitral tribunal of appeals that the record on appeal is complete. Upon receipt of the appellee's brief, or

earlier if the arbitral tribunal of appeals orders or the parties agree, the appellant must request the Administrator to forward the record.

(d) [Reserved.]

(e) Retaining the Record by Arbitral Tribunal Order.

(1) The arbitral tribunal of appeals may, by order or local rule, provide that a certified copy of the docket entries be forwarded instead of the entire record. But a party may at any time during the appeal request that designated parts of the record be forwarded.

(2) The trial arbitral tribunal may order the record or some part of it retained if the trial arbitral tribunal needs it while the appeal is pending, subject, however, to call by the arbitral tribunal of appeals.

(3) If part or all of the record is ordered retained, the Administrator must send to the arbitral tribunal of appeals a copy of the order and the docket entries together with the parts of the original record allowed by the trial arbitral tribunal and copies of any parts of the record designated by the parties.

(f) Retaining Parts of the Record in the trial arbitral tribunal by Stipulation of the Parties. The parties may agree by written stipulation filed in the trial arbitral tribunal that designated parts of the record be retained in the trial arbitral tribunal subject to call by the arbitral tribunal of appeals or request by a party. The parts of the record so designated remain a part of the record on appeal.

(g) Record for a Preliminary Motion in the Arbitral Tribunal of Appeals. If, before the record is forwarded, a party makes any of the following motions in the arbitral tribunal of appeals:

(1) for dismissal;
(2) for release;
(3) for a stay pending appeal;
(4) for additional security on the bond on appeal or on a bond or other security provided to obtain a stay of enforcement; or
(5) for any other intermediate order—
(6) the Administrator must send the arbitral tribunal of appeals any parts of the record designated by any party.

Rule 12. Docketing the Appeal; Filing a Representation Statement; Filing the Record

(a) Docketing the Appeal. Upon receiving the copy of the notice of appeal and the docket entries from the Administrator under Rule 3(d), the Administrator must docket the appeal under the title of the trial arbitral tribunal action and must identify the appellant, adding the appellant’s name if necessary.

(b) Filing a Representation Statement. Unless the arbitral tribunal of appeals designates another time, the attorney who filed the notice of appeal must, within 14 days after filing

the notice, file a statement with the Administrator naming the parties that the attorney represents on appeal.

(c) Filing the Record, Partial Record, or Certificate. The Administrator must file the record, partial record, or Administrator's certificate as provided in Rule 11 and immediately notify all parties of the filing date.

Rule 12.1 Remand After an Indicative Ruling by the trial arbitral tribunal on a Motion for Relief That Is Barred by a Pending Appeal

(a) Notice to the Arbitral Tribunal of Appeals. If a timely motion is made in the trial arbitral tribunal for relief that it lacks authority to grant because of an appeal that has been docketed and is pending, the movant must promptly notify the Administrator if the trial arbitral tribunal states either that it would grant the motion or that the motion raises a substantial issue.

(b) Remand After an Indicative Ruling. If the trial arbitral tribunal states that it would grant the motion or that the motion raises a substantial issue, the arbitral tribunal of appeals may remand for further proceedings but retains jurisdiction unless it expressly dismisses the appeal. If the arbitral tribunal of appeals remands but retains jurisdiction, the parties must promptly notify the Administrator when the trial arbitral tribunal has decided the motion on remand.

TITLE III – [reserved]

TITLE IV – [reserved]

TITLE V – [reserved]

TITLE V – EXTRAORDINARY WRITS

Rule 21. Writs of Mandamus and Prohibition, and Other Extraordinary Writs

(a) Mandamus or Prohibition to an Arbitral Tribunal: Petition, Filing, Service, and Docketing.

(1) A party petitioning for a writ of mandamus or prohibition directed to an arbitral tribunal must file a petition with the Administrator with proof of service on all parties to the proceeding in the trial arbitral tribunal (proof of electronic service shall suffice). The party must also provide a copy to the trial arbitral tribunal Arbiter. All parties to the proceeding in the trial arbitral tribunal other than the petitioner are respondents for all purposes.

(2)

(A) The petition must be titled "In re [name of petitioner]."

(B) The petition must state:

(i) the relief sought;

(ii) the issues presented;

(iii) the facts necessary to understand the issue presented by the petition; and

(iv) the reasons why the writ should issue.

(C) The petition must include a copy of any order or opinion or parts of the record that may be essential to understand the matters set forth in the petition.

(3) Upon receiving the prescribed docket fee, the Administrator must docket the petition and submit it to the arbitral tribunal.

(b) Denial; Order Directing Answer; Briefs; Precedence.

(1) The arbitral tribunal may deny the petition without an answer. Otherwise, it must order the respondent, if any, to answer within a fixed time.

(2) The Administrator must serve the order to respond on all persons directed to respond.

(3) Two or more respondents may answer jointly.

(4) The arbitral tribunal of appeals may invite or order the trial-arbitral tribunal Arbiter to address the petition or may invite an amicus curiae to do so. The trial-arbitral tribunal Arbiter may request permission to address the petition but may not do so unless invited or ordered to do so by the arbitral tribunal of appeals.

(5) If briefing or oral argument is required, the Administrator must advise the parties, and when appropriate, the trial-arbitral tribunal Arbiter or amicus curiae.

(6) The proceeding must be given preference over ordinary civil cases.

(7) The Administrator must send a copy of the final disposition to the trial-arbitral tribunal Arbiter.

(c) Other Extraordinary Writs. An application for an extraordinary writ other than one provided for in Rule 21(a) must be made by filing a petition with the Administrator with proof of service on the respondents. Proceedings on the application must conform, so far as is practicable, to the procedures prescribed in Rule 21(a) and (b).

(d) Form of Papers; Number of Copies; Length Limits. All papers must conform to Rule 32(c)(2). If electronic filing is not used, an original and 3 copies must be filed unless the arbitral tribunal requires the filing of a different number by local rule or by order in a particular case. Except by the arbitral tribunal's permission, and excluding the accompanying documents required by Rule 21(a)(2)(C):

(1) a paper produced using a computer must not exceed 7,800 words; and

(2) a handwritten or typewritten paper must not exceed 30 pages.

TITLE VI –PROCEEDINGS IN FORMA PAUPERIS

Rule 24. Proceeding in Forma Pauperis

(a) Leave to Proceed in Forma Pauperis.

(1) Motion in the trial arbitral tribunal. Except as stated in Rule 24(a)(3), a party to a trial arbitral tribunal action who desires to appeal in forma pauperis must file a motion in the trial arbitral tribunal. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

(2) Action on the Motion. If the trial arbitral tribunal grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a Próspera ZEDE Rule provides otherwise. If the trial arbitral tribunal denies the motion, it must state its reasons in writing.

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the trial arbitral tribunal action, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the trial arbitral tribunal—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or

(B) a Próspera ZEDE Rule provides otherwise.

(4) Notice of trial arbitral tribunal's Denial. The Administrator must immediately notify the parties and the arbitral tribunal of appeals when the trial arbitral tribunal does any of the following:

(A) denies a motion to proceed on appeal in forma pauperis;

(B) certifies that the appeal is not taken in good faith; or

(C) finds that the party is not otherwise entitled to proceed in forma pauperis.

(5) Motion in the Arbitral Tribunal of Appeals. A party may file a motion to proceed on appeal in forma pauperis in the arbitral tribunal of appeals within 30 days after service of the notice prescribed in Rule 24(a)(4). The motion must include a copy of the affidavit filed in the trial arbitral tribunal and the trial arbitral tribunal's statement of reasons for its action. If no affidavit was filed in the trial arbitral tribunal, the party must include the affidavit prescribed by Rule 24(a)(1).

(b) Leave to Proceed in Forma Pauperis on Appeal from the PAC tax arbitral tribunal or on Appeal or Review of an Administrative-Agency Proceeding. A party may file in the arbitral tribunal of appeals a motion for leave to proceed on appeal in forma pauperis with an affidavit prescribed by Rule 24(a)(1):

(1) in an appeal from the PAC tax arbitral tribunal; and

(2) when an appeal or review of a proceeding before an administrative agency, board, commission, or officer proceeds directly in the arbitral tribunal of appeals.

(c) Leave to Use Original Record. A party allowed to proceed on appeal in forma pauperis may request that the appeal be heard on the original record without reproducing any part.

TITLE VII – GENERAL PROVISIONS

Rule 25. Filing and Service

(a) Filing.

(1) Filing with the trial arbitral tribunal. A paper required or permitted to be filed in an arbitral tribunal of appeals must be filed with the Administrator.

(2) Filing: Method and Timeliness.

(A) Nonelectronic Filing.

(i) In General. For a paper not filed electronically, filing may be accomplished by mail addressed to the Administrator, but filing is not timely unless the Administrator receives the papers within the time fixed for filing.

(ii) A Brief or Appendix. A brief or appendix not filed electronically is timely filed, however, if on or before the last day for filing, it is:

- mailed to the Administrator by first-class mail, or other class of mail that is at least as expeditious, postage prepaid; or
- dispatched to a third-party commercial carrier for delivery to the Administrator within 3 days.

(iii) [reserved]

(B) Electronic Filing and Signing.

(i) By a Represented —Person Generally Required; Exceptions. A person represented by an attorney must file electronically, unless nonelectronic filing is allowed by the arbitral tribunal for good cause or is allowed or required by a local rule.

(ii) By an Unrepresented Person—When Allowed or Required. A person not represented by an attorney:

- may file electronically only if allowed by arbitral tribunal order ; and

- may be required to file electronically only by arbitral tribunal order, or by a local rule that includes reasonable exceptions.

(iii) Signing. A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

(iv) Same as a Written Paper. A paper filed electronically is a written paper for purposes of these rules.

(3) [reserved]

(4) trial arbitral tribunal's Refusal of Documents. The Administrator must not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or by any local rule or practice.

(5) Privacy Protection. An appeal in a case whose privacy protection was governed by PAC Rule of Civil Procedure 5.2 is governed by the same rule on appeal. In all other proceedings, privacy protection is governed by PAC Rule of Civil Procedure 5.2.

(b) Service of All Papers Required. Unless a rule requires service by the Administrator, a party must, at or before the time of filing a paper, serve a copy on the other parties to the appeal or review. Service on a party represented by counsel must be made on the party's counsel.

(c) Manner of Service.

(1) Nonelectronic service may be any of the following:

(A) personal, including delivery to a responsible person at the office of counsel;

(B) by mail; or

(C) by third-party commercial carrier for delivery within 3 days

(2) Electronic service of a paper may be made (A) by sending it to a registered Próspera (e)Resident Email Address by filing it with the arbitral tribunal's electronic-filing system by filing it with the arbitral tribunal's electronic-filing system or (B) by sending it by other electronic means that the person to be served consented in writing.

(3) When reasonable considering such factors as the immediacy of the relief sought, distance, and cost, service on a party must be by a manner at least as expeditious as the manner used to file the paper with the arbitral tribunal.

(4) Service by mail or by commercial carrier is complete on mailing or delivery to the carrier. Service by electronic means is complete on filing or sending, unless

the party making service is notified that the paper was not received by the party served.

(d) Proof of Service.

(1) A paper presented for filing must contain either of the following:

(A) an acknowledgment of service by the person served; or

(B) proof of service consisting of a statement by the person who made service certifying:

(i) the date and manner of service;

(ii) the names of the persons served; and

(iii) their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.

(2) When a brief or appendix is filed by mailing or dispatch in accordance with Rule 25(a)(2)(A)(ii), the proof of service must also state the date and manner by which the document was mailed or dispatched to the Administrator.

(3) Proof of service may appear on or be affixed to the papers filed.

(e) Number of Copies. When these rules require the filing or furnishing of a number of copies, the arbitral tribunal of appeals may require a different number by local rule or by order in a particular case.

Rule 26. Computing and Extending Time

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in any local rule or arbitral tribunal order, or in any Próspera ZEDE Rule that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(2) Period Stated in Hours. When the period is stated in hours:

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(3) Inaccessibility of the trial arbitral tribunal's Office. Unless the arbitral tribunal orders otherwise, if the Administrator's office is inaccessible:

(A) on the last day for filing under Rule 26(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 26(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(4) "Last Day" Defined. Unless a different time is set by a Próspera ZEDE Rule, local rule, or arbitral tribunal order, the last day ends:

(A) for electronic filing in the trial arbitral tribunal, at midnight in the time zone of the Island of Roatan, Bay Islands, Republic of Honduras;

(B) for electronic filing in the arbitral tribunal of appeals, at midnight in the time zone of the Administrator's principal office;

(C) for filing under Rules 4(c)(1), 25(a)(2)(A)(ii), and 25(a)(2)(A)(iii)—and filing by mail under Rule 13(a)(2)—at the latest time for the method chosen for delivery to the post office, third-party commercial carrier, or prison mailing system; and

(D) for filing by other means, when the Administrator's office is scheduled to close.

(5) "Next Day" Defined. The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) "Legal Holiday" Defined. "Legal holiday" means:

(A) [reserved];

(B) any day declared a holiday by the Technical Secretary and Council of Próspera ZEDE; and

(C) for periods that are measured after an event, any other day declared a holiday by the state where either of the following is located: the trial arbitral tribunal that rendered the challenged award or order, or the Administrator's principal office.

(b) Extending Time. For good cause, the arbitral tribunal may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires. But the arbitral tribunal may not extend the time to file:

(1) a notice of appeal (except as authorized in Rule 4) or a petition for permission to appeal; or

(2) a notice of appeal from or a petition to enjoin, set aside, suspend, modify, enforce, or otherwise review an order of an administrative agency, board, commission, or officer of the Próspera ZEDE, unless specifically authorized by law.

(c) Additional Time after Certain Kinds of Service. When a party may or must act within a specified time after being served, 3 days are added after the period would otherwise expire under Rule 26(a), unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26(c), a paper that is served electronically is treated as delivered on the date of service stated in the proof of service.

Rule 26.1 Corporate Disclosure Statement

(a) Who Must File. Any nongovernmental corporate party to a proceeding in an arbitral tribunal of appeals must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) Time for Filing; Supplemental Filing. A party must file the Rule 26.1(a) statement with the principal brief or upon filing a motion, response, petition, or answer in the arbitral tribunal of appeals, whichever occurs first, unless a local rule requires earlier filing. Even if the statement has already been filed, the party's principal brief must include the statement before the table of contents. A party must supplement its statement whenever the information that must be disclosed under Rule 26.1(a) changes.

(c) Number of Copies. If the Rule 26.1(a) statement is filed before the principal brief, or if a supplemental statement is filed, the party must file an original and 3 copies unless the arbitral tribunal requires a different number by local rule or by order in a particular case.

Rule 27. Motions

(a) In General.

(1) Application for Relief. An application for an order or other relief is made by motion unless these rules prescribe another form. A motion must be in writing unless the arbitral tribunal permits otherwise.

(2) Contents of a Motion.

(A) Grounds and Relief Sought. A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(B) Accompanying Documents.

(i) Any affidavit or other paper necessary to support a motion must be served and filed with the motion.

(ii) An affidavit must contain only factual information, not legal argument.

(iii) A motion seeking substantive relief must include a copy of the trial arbitral tribunal's opinion or agency's decision as a separate exhibit.

(C) Documents Barred or Not Required.

(i) A separate brief supporting or responding to a motion must not be filed.

(ii) A notice of motion is not required.

(iii) A proposed order is not required.

(3) Response.

(A) Time to file. Any party may file a response to a motion; Rule 27(a)(2) governs its contents. The response must be filed within 10 days after service of the motion unless the arbitral tribunal shortens or extends the time.

(B) Request for Affirmative Relief. A response may include a motion for affirmative relief. The time to respond to the new motion, and to reply to that response, are governed by Rule 27(a)(3)(A) and (a)(4). The title of the response must alert the arbitral tribunal to the request for relief.

(4) Reply to Response. Any reply to a response must be filed within 7 days after service of the response. A reply must not present matters that do not relate to the response.

(b) Disposition of a Motion for a Procedural Order. The arbitral tribunal may act on a motion for a procedural order—including a motion under Rule 26(b)—at any time without awaiting a response, and may, by rule or by order in a particular case, authorize its Administrator to act on specified types of procedural motions. A party adversely affected by the arbitral tribunal's, or the Administrator's, action may file a motion to reconsider, vacate, or modify that action. Timely opposition filed after the motion is granted in whole or in part does not constitute a request to reconsider, vacate, or modify the disposition; a motion requesting that relief must be filed.

(c) Power of a Single Arbiter to Entertain a Motion. An Arbiter may act alone on any motion, but may not dismiss or otherwise determine an appeal or other proceeding. An arbitral tribunal of appeals may provide by rule or by order in a particular case that only the arbitral tribunal may act on any motion or class of motions. The arbitral tribunal may review the action of a single Arbiter.

(d) Form of Papers; Length Limits; and Number of Copies.

(1) Format.

(A) Reproduction. A motion, response, or reply may be produced by any electronic process that yields a clear black image.

(B) Cover. A cover is not required, but there must be a caption that includes the case number, the name of the arbitral tribunal, the title of the case, and a brief descriptive title indicating the purpose of the motion and identifying the party or parties for whom it is filed. If a cover is used, it must be white.

(C) Binding. If not electronically filed, the document must be bound in any manner that is secure, does not obscure the text, and permits the document to lie reasonably flat when open.

(D) Paper Size, Line Spacing, and Margins. The electronic document must be capable of being printed on, and a physical document must be printed on, 8 1/2 by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(E) Typeface and Type Styles. The document must comply with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6).

(2) Length Limits. Except by the arbitral tribunal's permission, and excluding the accompanying documents authorized by Rule 27(a)(2)(B):

(A) a motion or response to a motion produced using a computer must not exceed 5,200 words;

(B) a handwritten or typewritten motion or response to a motion must not exceed 20 pages;

(C) a reply produced using a computer must not exceed 2,600 words; and

(D) a handwritten or typewritten reply to a response must not exceed 10 pages.

(3) Number of Copies. An original and 3 copies must be filed unless the arbitral tribunal requires a different number by local rule or by order in a particular case.

(e) Oral Argument. A motion will be decided without oral argument unless the arbitral tribunal orders otherwise.

Rule 28. Briefs

(a) Appellant's Brief. The appellant's brief must contain, under appropriate headings and in the order indicated:

(1) a corporate disclosure statement if required by Rule 26.1;

(2) a table of contents, with page references;

(3) a table of authorities—cases (alphabetically arranged), Próspera ZEDE Rules, and other authorities—with references to the pages of the brief where they are cited;

(4) a jurisdictional statement, including:

(A) the basis for the trial arbitral tribunal's or agency's subject-matter jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;

(B) the basis for the arbitral tribunal of appeals' jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;

(C) the filing dates establishing the timeliness of the appeal or petition for review; and

(D) an assertion that the appeal is from a final order or award that disposes of all parties' claims, or information establishing the arbitral tribunal of appeals' jurisdiction on some other basis;

(5) a statement of the issues presented for review;

(6) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record (see Rule 28(e));

(7) a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings;

(8) the argument, which must contain:

(A) appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies; and

(B) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues);

(9) a short conclusion stating the precise relief sought; and

(10) the certificate of compliance, if required by Rule 32(g)(1).

(b) Appellee's Brief. The appellee's brief must conform to the requirements of Rule 28(a)(1)–(8) and (10), except that none of the following need appear unless the appellee is dissatisfied with the appellant's statement:

(1) the jurisdictional statement;

(2) the statement of the issues;

(3) the statement of the case; and

(4) the statement of the standard of review.

(c) Reply Brief. The appellant may file a brief in reply to the appellee's brief. Unless the arbitral tribunal permits, no further briefs may be filed. A reply brief must contain a table of contents, with page references, and a table of authorities—cases (alphabetically arranged), Próspera ZEDE Rules, and other authorities—with references to the pages of the reply brief where they are cited.

(d) References to Parties. In briefs and at oral argument, counsel should minimize use of the terms "appellant" and "appellee." To make briefs clear, counsel should use the parties' actual names or the designations used in the trial arbitral tribunal proceeding, or such descriptive terms as "the employee," "the injured person," "the taxpayer," "the ship," "the stevedore."

(e) References to the Record. References to the parts of the record contained in the appendix filed with the appellant's brief must be to the pages of the appendix. If the appendix is prepared after the briefs are filed, a party referring to the record must follow one of the methods detailed in Rule 30(c). If the original record is used under Rule 30(f) and is not consecutively paginated, or if the brief refers to an unreproduced part of the record, any reference must be to the page of the original document. For example:

- Answer p. 7;
- Motion for Award p. 2;
- Transcript p. 231.

Only clear abbreviations may be used. A party referring to evidence whose admissibility is in controversy must cite the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

(f) Reproduction of Statutes, Rules, Regulations, etc. If the arbitral tribunal's determination of the issues presented requires the study of Próspera ZEDE Rules, rules, regulations, etc., the relevant parts must be set out in the brief or in an addendum at the end, or may be supplied to the arbitral tribunal in pamphlet form.

(g) [Reserved]

(h) [Reserved]

(i) Briefs in a Case Involving Multiple Appellants or Appellees. In a case involving more than one appellant or appellee, including consolidated cases, any number of appellants or

appellees may join in a brief, and any party may adopt by reference a part of another's brief. Parties may also join in reply briefs.

(j) Citation of Supplemental Authorities. If pertinent and significant authorities come to a party's attention after the party's brief has been filed—or after oral argument but before decision—a party must promptly advise the Administrator by letter, with a copy to all other parties, setting forth the citations. The letter must state the reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and must be similarly limited.

Rule 28.1 Cross-Appeals

(a) Applicability. This rule applies to a case in which a cross-appeal is filed. Rules 28(a)–(c), 31(a)(1), 32(a)(2), and 32(a)(7)(A)–(B) do not apply to such a case, except as otherwise provided in this rule.

(b) Designation of Appellant. The party who files a notice of appeal first is the appellant for the purposes of this rule and Rules 30 and 34. If notices are filed on the same day, the plaintiff in the proceeding below is the appellant. These designations may be modified by the parties' agreement or by arbitral tribunal of appeals order.

(c) Briefs. In a case involving a cross-appeal:

(1) Appellant's Principal Brief. The appellant must file a principal brief in the appeal. That brief must comply with Rule 28(a).

(2) Appellee's Principal and Response Brief. The appellee must file a principal brief in the cross-appeal and must, in the same brief, respond to the principal brief in the appeal. That appellee's brief must comply with Rule 28(a), except that the brief need not include a statement of the case unless the appellee is dissatisfied with the appellant's statement.

(3) Appellant's Response and Reply Brief. The appellant must file a brief that responds to the principal brief in the cross-appeal and may, in the same brief, reply to the response in the appeal. That brief must comply with Rule 28(a)(2)–(8) and (10), except that none of the following need appear unless the appellant is dissatisfied with the appellee's statement in the cross-appeal:

(A) the jurisdictional statement;

(B) the statement of the issues;

(C) the statement of the case; and

(D) the statement of the standard of review.

(4) Appellee's Reply Brief. The appellee may file a brief in reply to the response in the cross-appeal. That brief must comply with Rule 28(a)(2)–(3) and (10) and must be limited to the issues presented by the cross-appeal.

(5) No Further Briefs. Unless the arbitral tribunal permits, no further briefs may be filed in a case involving a cross-appeal.

(d) Cover. Except for filings by unrepresented parties, the cover of the appellant's principal brief must be blue; the appellee's principal and response brief, red; the appellant's response and reply brief, yellow; the appellee's reply brief, gray; an intervenor's or amicus curiae's brief, green; and any supplemental brief, tan. The front cover of a brief must contain the information required by Rule 32(a)(2).

(e) Length.

(1) Page Limitation. Unless it complies with Rule 28.1(e)(2), the appellant's principal brief must not exceed 30 pages; the appellee's principal and response brief, 35 pages; the appellant's response and reply brief, 30 pages; and the appellee's reply brief, 15 pages.

(2) Type-Volume Limitation.

(A) The appellant's principal brief or the appellant's response and reply brief is acceptable if it:

(i) contains no more than 13,000 words; or

(ii) uses a monospaced face and contains no more than 1,300 lines of text.

(B) The appellee's principal and response brief is acceptable if it:

(i) it contains no more than 15,300 words; or

(ii) uses a monospaced face and contains no more than 1,500 lines of text.

(C) The appellee's reply brief is acceptable if it contains no more than half of the type volume specified in Rule 28.1(e)(2)(A).

(f) Time to Serve and File a Brief. Briefs must be served and filed as follows:

(1) the appellant's principal brief, within 40 days after the record is filed;

(2) the appellee's principal and response brief, within 30 days after the appellant's principal brief is served;

(3) the appellant's response and reply brief, within 30 days after the appellee's principal and response brief is served; and

(4) the appellee's reply brief, within 21 days after the appellant's response and reply brief is served, but at least 7 days before argument unless the arbitral tribunal, for good cause, allows a later filing.

Rule 29. Brief of an Amicus Curiae

(a) During Initial Consideration of a Case on the Merits.

(1) Applicability. This Rule 29(a) governs amicus filings during an arbitral tribunal's initial consideration of a case on the merits.

(2) When Permitted. The Próspera ZEDE or its officer or agency or a state may file an amicus brief without the consent of the parties or leave of arbitral tribunal. Any other amicus curiae may file a brief only by leave of arbitral tribunal or if the brief states that all parties have consented to its filing, but an arbitral tribunal of appeals may prohibit the filing of or may strike an amicus brief that would result in an Arbiter's disqualification.

(3) Motion for Leave to File. The motion must be accompanied by the proposed brief and state:

(A) the movant's interest; and

(B) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.

(4) Contents and Form. An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 28, but must include the following:

(A) if the amicus curiae is a corporation, a disclosure statement like that required of parties by Rule 26.1;

(B) a table of contents, with page references;

(C) a table of authorities—cases (alphabetically arranged), Próspera ZEDE Rules, and other authorities—with references to the pages of the brief where they are cited;

(D) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;

(E) unless the amicus curiae is one listed in the first sentence of Rule 29(a)(2), a statement that indicates whether:

(i) a party's counsel authored the brief in whole or in part;

(ii) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and

(iii) a person—other than the amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;

(F) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and

(G) a certificate of compliance under Rule 32(g)(1), if length is computed using a word or line limit.

(5) Length. Except by the arbitral tribunal's permission, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the arbitral tribunal grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.

(6) Time for Filing. An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed. An arbitral tribunal may grant leave for later filing, specifying the time within which an opposing party may answer.

(7) Reply Brief. Except by the arbitral tribunal's permission, an amicus curiae may not file a reply brief.

(8) Oral Argument. An amicus curiae may participate in oral argument only with the arbitral tribunal's permission.

(b) During Consideration of Whether to Grant Rehearing.

(1) Applicability. This Rule 29(b) governs amicus filings during an arbitral tribunal's consideration of whether to grant panel rehearing or rehearing en banc, unless a local rule or order in a case provides otherwise.

(2) When Permitted. The Próspera ZEDE or its officer or agency or a state may file an amicus brief without the consent of the parties or leave of arbitral tribunal. Any other amicus curiae may file a brief only by leave of arbitral tribunal.

(3) Motion for Leave to File. Rule 29(a)(3) applies to a motion for leave.

(4) Contents, Form, and Length. Rule 29(a)(4) applies to the amicus brief. The brief must not exceed 2,600 words.

(5) Time for Filing. An amicus curiae supporting the petition for rehearing or supporting neither party must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the petition is filed. An amicus curiae opposing the petition must file its brief, accompanied by a motion for filing when necessary, no later than the date set by the arbitral tribunal for the response.

Rule 30. Appendix to the Briefs

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

(A) the relevant docket entries in the proceeding below;

(B) the relevant portions of the pleadings, charge, findings, or opinion;

(C) the award, order, or decision in question; and

(D) other parts of the record to which the parties wish to direct the arbitral tribunal's attention.

(2) Excluded Material. Memoranda of law in the trial arbitral tribunal should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the arbitral tribunal or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. Unless filing is deferred under Rule 30(c), the appellant must file 10 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented. An unrepresented party proceeding in forma pauperis must file 4 legible copies with the Administrator, and one copy must be served on counsel for each separately represented party. The arbitral tribunal may by local rule or by order in a particular case require the filing or service of a different number.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 14 days after the record is filed, serve on the appellee a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. The appellee may, within 14 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the arbitral tribunal's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the arbitral tribunal. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by the appellee to be unnecessary, the appellant may advise the appellee, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. But if any party causes unnecessary parts of the record to be included in the appendix, the arbitral tribunal may impose the cost of those parts on that party. Each circuit must, by local rule, provide for sanctions against attorneys who unreasonably and vexatiously increase litigation costs by including unnecessary material in the appendix.

(c) Deferred Appendix.

(1) Deferral Until After Briefs Are Filed. The arbitral tribunal may provide by rule for classes of cases or by order in a particular case that preparation of the appendix may be deferred until after the briefs have been filed and that the appendix may be filed 21 days after the appellee's brief is served. Even though

the filing of the appendix may be deferred, Rule 30(b) applies; except that a party must designate the parts of the record it wants included in the appendix when it serves its brief, and need not include a statement of the issues presented.

(2) References to the Record.

(A) If the deferred appendix is used, the parties may cite in their briefs the pertinent pages of the record. When the appendix is prepared, the record pages cited in the briefs must be indicated by inserting record page numbers, in brackets, at places in the appendix where those pages of the record appear.

(B) A party who wants to refer directly to pages of the appendix may serve and file copies of the brief within the time required by Rule 31(a), containing appropriate references to pertinent pages of the record. In that event, within 14 days after the appendix is filed, the party must serve and file copies of the brief, containing references to the pages of the appendix in place of or in addition to the references to the pertinent pages of the record. Except for the correction of typographical errors, no other changes may be made to the brief.

(d) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The relevant docket entries must follow the table of contents. Other parts of the record must follow chronologically. When pages from the transcript of proceedings are placed in the appendix, the transcript page numbers must be shown in brackets immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(e) Reproduction of Exhibits. Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a trial arbitral tribunal action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(f) Appeal on the Original Record Without an Appendix. The arbitral tribunal may, either by rule for all cases or classes of cases or by order in a particular case, dispense with the appendix and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the arbitral tribunal may order the parties to file.

Rule 31. Serving and Filing Briefs

(a) Time to Serve and File a Brief.

(1) The appellant must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the appellant's brief is served. The appellant may serve and file a reply brief within 21 days after

service of the appellee's brief but a reply brief must be filed at least 7 days before argument, unless the arbitral tribunal, for good cause, allows a later filing.

(2) An arbitral tribunal of appeals that routinely considers cases on the merits promptly after the briefs are filed may shorten the time to serve and file briefs, either by local rule or by order in a particular case.

(b) Number of Copies. Twenty-five copies of each brief must be filed with the Administrator and 2 copies must be served on each unrepresented party and on counsel for each separately represented party. An unrepresented party proceeding in forma pauperis must file 4 legible copies with the Administrator, and one copy must be served on each unrepresented party and on counsel for each separately represented party. The arbitral tribunal may by local rule or by order in a particular case require the filing or service of a different number.

(c) Consequence of Failure to File. If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal. An appellee who fails to file a brief will not be heard at oral argument unless the arbitral tribunal grants permission.

Rule 32. Form of Briefs, Appendices, and Other Papers

(a) Form of a Brief.

(1) Reproduction.

(A) A brief may be reproduced by any electronic process that yields a clear black image.

(B) Text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

(C) Photographs, illustrations, and tables may be reproduced by any method that results in a good copy of the original; a glossy finish is acceptable if the original is glossy.

(2) Cover. Except for filings by unrepresented parties, the cover of the appellant's brief must be blue; the appellee's, red; an intervenor's or amicus curiae's, green; any reply brief, gray; and any supplemental brief, tan. The front cover of a brief must contain:

(A) the number of the case centered at the top;

(B) the name of the arbitral tribunal;

(C) the title of the case (see Rule 12(a));

(D) the nature of the proceeding (e.g., Appeal, Petition for Review) and the name of the arbitral tribunal, agency, or board below;

(E) the title of the brief, identifying the party or parties for whom the brief is filed; and

(F) the name, office address, and telephone number of counsel representing the party for whom the brief is filed.

(3) Binding. If not electronically filed, the brief must be bound in any manner that is secure, does not obscure the text, and permits the brief to lie reasonably flat when open.

(4) Paper Size, Line Spacing, and Margins. The brief must be capable of being printed on, or, if a physical document, must be printed on, 8 1/2 by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(5) Typeface. Either a proportionally spaced or a monospaced face may be used.

(A) A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced face must be 14-point or larger.

(B) A monospaced face may not contain more than 10 1/2 characters per inch.

(6) Type Styles. A brief must be set in a plain, roman style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.

(7) Length.

(A) Page Limitation. A principal brief may not exceed 30 pages, or a reply brief 15 pages, unless it complies with Rule 32(a)(7)(B).

(B) Type-Volume Limitation.

(i) A principal brief is acceptable if it:

• contains no more than 13,000 words; or

• uses a monospaced face and contains no more than 1,300 lines of text.

(ii) A reply brief is acceptable if it contains no more than half of the type volume specified in Rule 32(a)(7)(B)(i).

(b) Form of an Appendix. An appendix must comply with Rule 32(a)(1), (2), (3), and (4), with the following exceptions:

(1) The cover of a separately bound appendix must be white.

(2) An appendix may include a legible photocopy of any document found in the record or of a printed judicial or agency decision.

(3) When necessary to facilitate inclusion of odd-sized documents such as technical drawings, an appendix may be a size other than 8 1/2 by 11 inches, and need not lie reasonably flat when opened.

(c) Form of Other Papers.

(1) Motion. The form of a motion is governed by Rule 27(d).

(2) Other Papers. Any other paper, including a petition for panel rehearing and a petition for hearing or rehearing en banc, and any response to such a petition, must be reproduced in the manner prescribed by Rule 32(a), with the following exceptions:

(A) A cover is not necessary if the caption and signature page of the paper together contain the information required by Rule 32(a)(2). If a cover is used, it must be white.

(B) Rule 32(a)(7) does not apply.

(d) Signature. Every brief, motion, or other paper filed with the arbitral tribunal must be signed by the party filing the paper or, if the party is represented, by one of the party's attorneys.

(e) Local Variation. Every arbitral tribunal of appeals must accept documents that comply with the form requirements of this rule and the length limits set by these rules. By local rule or order in a particular case an arbitral tribunal of appeals may accept documents that do not meet all the form requirements of this rule or the length limits set by these rules.

(f) Items Excluded from Length. In computing any length limit, headings, footnotes, and quotations count toward the limit but the following items do not:

· the cover page;

· a corporate disclosure statement;

· a table of contents;

· a table of citations;

· a statement regarding oral argument;

· an addendum containing Próspera ZEDE Rules, rules, or regulations;

· certificates of counsel;

· the signature block;

· the proof of service; and

· any item specifically excluded by these rules .

(g) Certificate of Compliance.

(1) Briefs and Papers That Require a Certificate. A brief submitted under Rules 28.1(e)(2), 29(b)(4), or 32(a)(7)(B)—and a paper submitted under Rules 5(c)(1), 21(d)(1), 27(d)(2)(A), 27(d)(2)(C), 35(b)(2)(A), or 40(b)(1)—must include a certificate by the attorney, or an unrepresented party, that the document complies with the type-volume limitation. The person preparing the certificate may rely on the word or line count of the word-processing system used to prepare the document. The certificate must state the number of words—or the number of lines of monospaced type—in the document.

(2) Acceptable Form. Form 6 in the Appendix of Forms meets the requirements for a certificate of compliance.

Rule 32.1 Citing Precedential default Arbitration Service Provider dispositions

(a) Citation Permitted. An arbitral tribunal may not prohibit or restrict the citation of precedential default Arbitration Service Provider opinions, orders, awards, or other written dispositions that have been:

(i) designated as "unpublished," "not for publication," "non-precedential," "not precedent," or the like; and

(ii) [reserved]

(b) Copies Required. If a party cites a precedential default Arbitration Service Provider opinion, order, award, or other written disposition that is not available in a publicly accessible electronic database, the party must file and serve a copy of that opinion, order, award, or disposition with the brief or other paper in which it is cited.

Rule 33. Appeal Conferences

The arbitral tribunal may direct the attorneys—and, when appropriate, the parties—to participate in one or more conferences to address any matter that may aid in disposing of the proceedings, including simplifying the issues and discussing settlement. An Arbiter or other person designated by the arbitral tribunal may preside over the conference, which may be conducted in person or by telephone. Before a settlement conference, the attorneys must consult with their clients and obtain as much authority as feasible to settle the case. The arbitral tribunal may, as a result of the conference, enter an order controlling the course of the proceedings or implementing any settlement agreement.

Rule 34. Oral Argument

(a) In General.

(1) Party's Statement. Any party may file, or an arbitral tribunal may require by local rule, a statement explaining why oral argument should, or need not, be permitted.

(2) Standards. Oral argument must be allowed in every case unless a panel of three Arbiters who have examined the briefs and record unanimously agrees that oral argument is unnecessary for any of the following reasons:

(A) the appeal is frivolous;

(B) the dispositive issue or issues have been authoritatively decided; or

(C) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

(b) Notice of Argument; Postponement. The Administrator must advise all parties whether oral argument will be scheduled, and, if so, the date, time, and place for it, and the time allowed for each side. A motion to postpone the argument or to allow longer argument must be filed reasonably in advance of the hearing date.

(c) Order and Contents of Argument. The appellant opens and concludes the argument. Counsel must not read at length from briefs, records, or authorities.

(d) Cross-Appeals and Separate Appeals. If there is a cross-appeal, Rule 28.1(b) determines which party is the appellant and which is the appellee for purposes of oral argument. Unless the arbitral tribunal directs otherwise, a cross-appeal or separate appeal must be argued when the initial appeal is argued. Separate parties should avoid duplicative argument.

(e) Nonappearance of a Party. If the appellee fails to appear for argument, the arbitral tribunal must hear appellant's argument. If the appellant fails to appear for argument, the arbitral tribunal may hear the appellee's argument. If neither party appears, the case will be decided on the briefs, unless the arbitral tribunal orders otherwise.

(f) Submission on Briefs. The parties may agree to submit a case for decision on the briefs, but the arbitral tribunal may direct that the case be argued.

(g) Use of Physical Exhibits at Argument; Removal. Counsel intending to use physical exhibits other than documents at the argument must arrange to place them in the arbitral tribunal room on the day of the argument before the arbitral tribunal convenes. After the argument, counsel must remove the exhibits from the arbitral tribunal room, unless the arbitral tribunal directs otherwise. The Administrator may destroy or dispose of the exhibits if counsel does not reclaim them within a reasonable time after the Administrator gives notice to remove them.

Rule 35 [reserved]

Rule 36. Entry of Award; Notice

(a) Entry. An award is entered when it is noted on the docket. The Administrator must prepare, sign, and enter the award:

(1) after receiving the arbitral tribunal of appeals' opinion—but if settlement of the award's form is required, after final settlement; or

(2) if an award is rendered without an opinion, as the arbitral tribunal of appeals instructs.

(b) Notice. On the date when award is entered, the Administrator must serve on all parties a copy of the opinion—or the award, if no opinion was written—and a notice of the date when the award was entered.

Rule 37. Interest on Award

(a) When the Arbitral Tribunal of Appeals Affirms. Unless the law provides otherwise, if a money award in a civil case is affirmed, whatever interest is allowed by law is payable from the date when the trial arbitral tribunal of appeal's award was entered.

(b) When the Arbitral Tribunal of Appeals Reverses. If the arbitral tribunal of appeals modifies or reverses an award with a direction that a money award be entered in the trial arbitral tribunal, the mandate must contain instructions about the allowance of interest.

Rule 38. Frivolous Appeal

If an arbitral tribunal of appeals determines that an appeal is frivolous, it may, after a separately filed motion or notice from the arbitral tribunal of appeals and reasonable opportunity to respond, award just damages and single or double costs to the appellee.

Rule 39. Costs

(a) Against Whom Assessed. The following rules apply unless the law provides or the arbitral tribunal of appeals orders otherwise:

(1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;

(2) if an award is affirmed, costs are taxed against the appellant;

(3) if an award is reversed, costs are taxed against the appellee;

(4) if an award is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the arbitral tribunal of appeals orders.

(b) Costs For and Against the Próspera ZEDE. Costs for or against the Próspera ZEDE, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.

(c) Costs of Copies. Each arbitral tribunal of appeals must, by local rule, fix the maximum rate for taxing the cost of producing necessary copies of a brief or appendix, or copies of records authorized by Rule 30(f). The rate must not exceed that generally charged for such work in the area where the Administrator's office is located and should encourage economical methods of copying.

(d) Bill of Costs: Objections; Insertion in Mandate.

(1) A party who wants costs taxed must—within 14 days after entry of award—file with the Administrator, with proof of service, an itemized and verified bill of costs.

(2) Objections must be filed within 14 days after service of the bill of costs, unless the arbitral tribunal extends the time.

(3) The Administrator must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the Administrator must add the statement of costs, or any amendment of it, to the mandate.

(e) Costs on Appeal Taxable in the trial arbitral tribunal. The following costs on appeal are taxable in the trial arbitral tribunal for the benefit of the party entitled to costs under this rule:

(1) the preparation and transmission of the record;

(2) the reporter's transcript, if needed to determine the appeal;

(3) premiums paid for a bond or other security to preserve rights pending appeal; and

(4) the fee for filing the notice of appeal.

Rule 40. [reserved]

Rule 41. Mandate: Contents; Issuance and Effective Date; Stay

(a) Contents. Unless the arbitral tribunal of appeals directs that a formal mandate issue, the mandate consists of a certified copy of the award, a copy of the arbitral tribunal of appeals' opinion, if any, and any direction about costs.

(b) When Issued. The arbitral tribunal of appeals' mandate must issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. The arbitral tribunal of appeals may shorten or extend the time by order.

(c) Effective Date. The mandate is effective when issued.

(d) Staying the Mandate Pending a Petition for Certiorari.

(1) Motion to Stay. A party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the PAC. The motion must be served on all parties and must show that the petition would present a substantial question and that there is good cause for a stay.

(2) Duration of Stay; Extensions. The stay must not exceed 90 days, unless:

(A) the period is extended for good cause; or

(B) the party who obtained the stay notifies the Administrator in writing within the period of the stay:

(i) that the time for filing a petition has been extended, in which case the stay continues for the extended period; or

(ii) that the petition has been filed, in which case the stay continues until the PAC's final disposition.

(3) Security. The arbitral tribunal of appeals may require a bond or other security as a condition to granting or continuing a stay of the mandate.

(4) Issuance of Mandate. The arbitral tribunal of appeals must issue the mandate immediately on receiving a copy of a PAC order denying the petition, unless extraordinary circumstances exist.

Rule 42. Voluntary Dismissal

(a) Dismissal in the trial arbitral tribunal. Before an appeal has been docketed by the Administrator, the trial arbitral tribunal may dismiss the appeal on the filing of a stipulation signed by all parties or on the appellant's motion with notice to all parties.

(b) Dismissal in the Arbitral Tribunal of Appeals. The Administrator may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. But no mandate or other process may issue without an arbitral tribunal of appeals order. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the arbitral tribunal of appeals.

Rule 43. Substitution of Parties

(a) Death of a Party.

(1) After Notice of Appeal Is Filed. If a party dies after a notice of appeal has been filed or while a proceeding is pending in the arbitral tribunal of appeals, the decedent's personal representative may be substituted as a party on motion filed with the Administrator by the representative or by any party. A party's motion must be served on the representative in accordance with Rule 25. If the decedent has no representative, any party may suggest the death on the record, and the arbitral tribunal of appeals may then direct appropriate proceedings.

(2) Before Notice of Appeal Is Filed—Potential Appellant. If a party entitled to appeal dies before filing a notice of appeal, the decedent's personal representative—or, if there is no personal representative, the decedent's attorney of record—may file a notice of appeal within the time prescribed by these rules. After the notice of appeal is filed, substitution must be in accordance with Rule 43(a)(1).

(3) Before Notice of Appeal Is Filed—Potential Appellee. If a party against whom an appeal may be taken dies after entry of an award or order in the trial arbitral tribunal, but before a notice of appeal is filed, an appellant may proceed as if the death had not occurred. After the notice of appeal is filed, substitution must be in accordance with Rule 43(a)(1).

(b) Substitution for a Reason Other Than Death. If a party needs to be substituted for any reason other than death, the procedure prescribed in Rule 43(a) applies.

(c) Public Officer: Identification; Substitution.

(1) Identification of Party. A public officer who is a party to an appeal or other proceeding in an official capacity may be described as a party by the public officer's official title rather than by name. But the arbitral tribunal may require the public officer's name to be added.

(2) Automatic Substitution of Officeholder. When a public officer who is a party to an appeal or other proceeding in an official capacity dies, resigns, or otherwise ceases to hold office, the action does not abate. The public officer's successor is automatically substituted as a party. Proceedings following the substitution are to be in the name of the substituted party, but any misnomer that does not affect the substantial rights of the parties may be disregarded. An order of substitution may be entered at any time, but failure to enter an order does not affect the substitution.

Rule 44. Case Involving a Constitutional or an Organic Law Question When the Próspera ZEDE is Not a Party

(a) Constitutional or Organic Law Challenge to Próspera ZEDE Rule. If a party questions the constitutionality or lawfulness of a Próspera ZEDE Rule under the applicable Organic Law or Constitution of the Republic of Honduras in a proceeding in which the Próspera ZEDE or its agency, officer, or employee is not a party in an official capacity, the questioning party must give written notice to the Administrator immediately upon the filing of the record or as soon as the question is raised in the arbitral tribunal of appeals. The Administrator must then certify that fact to the Technical Secretary and Council Secretary of Próspera ZEDE.

(b) [reserved]

Rule 45. Arbitral Tribunal of Appeals' Duties

(a) General Provisions.

(1) Qualifications. The Administrator must take the oath and post any bond required by law. Neither the Administrator nor any deputy Administrator may practice as an attorney or counselor in any arbitral tribunal while in office.

(2) When Arbitral Tribunal of Appeals Is Open. The arbitral tribunal of appeals is always open for filing any paper, issuing and returning process, making a motion, and entering an order. The Administrator's office with the Administrator or a deputy in attendance must be open during business hours on all days except Saturdays, Sundays, and legal holidays. An arbitral tribunal may provide by local rule or by order that the Administrator's office be open for specified hours on Saturdays or on legal holidays.

(b) Records.

(1) The Docket. The Administrator must maintain a docket and an index of all docketed cases in the manner prescribed by the Standing Competence and Ethics

Committee of the PAC. The Administrator must record all papers filed with the Administrator and all process, orders, and awards.

(2) Calendar. Under the arbitral tribunal's direction, the Administrator must prepare a calendar of cases awaiting argument.

(3) Other Records. The Administrator must keep other books and records required by the Standing Competence and Ethics Committee of the PAC.

(c) Notice of an Order or Award. Upon the entry of an order or award, the Administrator must immediately serve a notice of entry on each party, with a copy of any opinion, and must note the date of service on the docket. Service on a party represented by counsel must be made on counsel.

(d) Custody of Records and Papers. The Administrator has custody of the arbitral tribunal's records and papers. Unless the arbitral tribunal orders or instructs otherwise, the Administrator must not permit an original record or paper to be taken from the Administrator's office. Upon disposition of the case, original papers constituting the record on appeal or review must be returned to the arbitral tribunal or agency from which they were received. The Administrator must preserve a copy of any brief, appendix, or other paper that has been filed.

Rule 46. Attorneys

(a) Admission to the Bar.

(1) Eligibility. An attorney is eligible for admission to the bar of the arbitral tribunal of appeals if that attorney is of good moral and professional character and possesses a juris doctorate or equivalent decree from a reputable jurisdiction.

(2) Application. An applicant must file an application for admission, on a form approved by the arbitral tribunal that contains the applicant's personal statement showing eligibility for membership. The applicant must subscribe to the following oath or affirmation:

> "I, _____, do solemnly swear [or affirm] that I will conduct myself as an attorney and counselor of this arbitral tribunal, uprightly and according to law; and that I will support the Charter and Rules of the Próspera ZEDE."

(3) Admission Procedures. On written or oral motion of a member of the arbitral tribunal's bar, the arbitral tribunal will act on the application. An applicant may be admitted by oral motion in open arbitral tribunal. But, unless the arbitral tribunal orders otherwise, an applicant need not appear before the arbitral tribunal to be admitted. Upon admission, an applicant must pay the Administrator the required fee.

(b) Suspension or Disbarment.

(1) Standard. A member of the arbitral tribunal of appeals' bar is subject to suspension or disbarment by the arbitral tribunal of appeals if the member:

(A) has been suspended or disbarred from practice in any other court or arbitral tribunal; or

(B) is guilty of conduct unbecoming a member of the arbitral tribunal of appeals bar.

(2) Procedure. The member must be given an opportunity to show good cause, within the time prescribed by the arbitral tribunal, why the member should not be suspended or disbarred.

(3) Order. The arbitral tribunal must enter an appropriate order after the member responds and a hearing is held, if requested, or after the time prescribed for a response expires, if no response is made.

(c) Discipline. An arbitral tribunal of appeals may discipline an attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with any arbitral tribunal rule. First, however, the arbitral tribunal must afford the attorney reasonable notice, an opportunity to show cause to the contrary, and, if requested, a hearing.

Rule 47 [reserved]

Rule 48. Masters

(a) Appointment; Powers. An arbitral tribunal of appeals may appoint a special master to hold hearings, if necessary, and to recommend factual findings and disposition in matters ancillary to proceedings in the arbitral tribunal. Unless the order referring a matter to a master specifies or limits the master's powers, those powers include, but are not limited to, the following:

(1) regulating all aspects of a hearing;

(2) taking all appropriate action for the efficient performance of the master's duties under the order;

(3) requiring the production of evidence on all matters embraced in the reference; and

(4) administering oaths and examining witnesses and parties.

(b) Compensation. If the master is not an Arbiter, Arbitral Officer, or arbitral tribunal employee, the arbitral tribunal must determine the master's compensation and whether the cost is to be charged to any party.

PAC Rules of Evidence for Moderate, Major, Extraordinary and Equitable Claims

ARTICLE I – GENERAL PROVISIONS

Rule 101 – Scope; Definitions

(a) Scope. These rules apply to proceedings in PAC involving claims having a value of at least $50,000.00 USD or involving equitable relief, which have not been assigned to any special division of the PAC by Próspera Rule or PAC Administrative Order. The specific arbitral tribunals and proceedings to which the rules apply, along with exceptions, are set out in Rule 1101.

(b) Definitions. In these rules:

(1) "civil case" means a civil action or proceeding;

(2) [reserved]

(3) "public office" includes a public agency;

(4) "record" includes a memorandum, report, or data compilation;

(5) a "PAC Rule" means a rule adopted by the PAC; and

(6) a reference to any kind of written material or any other medium includes electronically stored information.

Rule 102 – Purpose

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Rule 103 – Rulings on Evidence

(a) Preserving a Claim of Error. A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and:

(1) if the ruling admits evidence, a party, on the record:

(A) timely objects or moves to strike; and

(B) states the specific ground, unless it was apparent from the context; or

(2) if the ruling excludes evidence, a party informs the arbitral tribunal of its substance by an offer of proof, unless the substance was apparent from the context.

(b) Not Needing to Renew an Objection or Offer of Proof. Once the arbitral tribunal rules definitively on the record — either before or at trial — a party need not renew an objection or offer of proof to preserve a claim of error for appeal.

(c) Arbitral Tribunal's Statement About the Ruling; Directing an Offer of Proof. The arbitral tribunal may make any statement about the character or form of the evidence, the

objection made, and the ruling. The arbitral tribunal may direct that an offer of proof be made in question-and-answer form.

(d) Preventing the Jury from Hearing Inadmissible Evidence. To the extent practicable, the arbitral tribunal must conduct a jury trial so that inadmissible evidence is not suggested to the jury by any means.

(e) Taking Notice of Plain Error. An arbitral tribunal may take notice of a plain error affecting a substantial right, even if the claim of error was not properly preserved.

Rule 104 – Preliminary Questions

(a) In General. The arbitral tribunal must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the arbitral tribunal is not bound by evidence rules, except those on privilege.

(b) Relevance That Depends on a Fact. When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The arbitral tribunal may admit the proposed evidence on the condition that the proof be introduced later.

(c) Conducting a Hearing In the Absence of the Jury. The arbitral tribunal must conduct any hearing on a preliminary question without the jury's presence if:

(1) the hearing involves the admissibility of a confession;

(2) [reserved]; or

(3) justice so requires.

(d) [reserved]

(e) Evidence Relevant to Weight and Credibility. This rule does not limit a party's right to introduce before the jury evidence that is relevant to the weight or credibility of other evidence.

Rule 105 – Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes

If the arbitral tribunal admits evidence that is admissible against a party or for a purpose — but not against another party or for another purpose — the arbitral tribunal, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 106 – Remainder of or Related Writings or Recorded Statements

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — or any other writing or recorded statement — that in fairness ought to be considered at the same time.

ARTICLE II – JUDICIAL NOTICE

Rule 201 – Judicial Notice of Adjudicative Facts

(a) Scope. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) Kinds of Facts That May Be Judicially Noticed. The arbitral tribunal may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial arbitral tribunal's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) Taking Notice. The arbitral tribunal:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the arbitral tribunal is supplied with the necessary information.

(d) Timing. The arbitral tribunal may take judicial notice at any stage of the proceeding.

(e) Opportunity to Be Heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the arbitral tribunal takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) Instructing the Jury. In a civil case, the arbitral tribunal must instruct the jury to accept the noticed fact as conclusive.

ARTICLE III – PRESUMPTIONS IN CIVIL CASES

Rule 301 – Presumptions in Civil Cases Generally

In a civil case, unless a Próspera ZEDE Rule or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of persuasion, which remains on the party who had it originally.

Rule 302 – [reserved]

ARTICLE IV – RELEVANCE AND ITS LIMITS

Rule 401 – Test for Relevant Evidence

Evidence is relevant if:

(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and

(b) the fact is of consequence in determining the action.

Rule 402 – General Admissibility of Relevant Evidence

(a) Relevant evidence is admissible unless any of the following provides otherwise:
  (1) the Próspera ZEDE Charter and Bylaws;
  (2) a Próspera ZEDE Rule;
  (3) these rules; or
  (4) other rules prescribed by the PAC.

(b) Irrelevant evidence is not admissible.

Rule 403 – Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The arbitral tribunal may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404 – Character Evidence; Crimes or Other Acts

(a) Character Evidence.

(1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(2) [reserved]

(3) Exceptions for a Witness. Evidence of a witness' character may be admitted under Rules 607, 608, and 609.

(b) Crimes, Wrongs, or Other Acts.

(1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Rule 405 – Methods of Proving Character

(a) By Reputation or Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the arbitral tribunal may allow an inquiry into relevant specific instances of the person's conduct.

(b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406 – Habit; Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The arbitral tribunal may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Rule 407 – Subsequent Remedial Measures

(a) When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

(1) negligence;

(2) culpable conduct;
(3) a defect in a product or its design; or
(4) a need for a warning or instruction.

(b) But the arbitral tribunal may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

Rule 408 – Compromise Offers and Negotiations

(a) Prohibited Uses. Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

(1) furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or a statement made during compromise negotiations about the claim — except when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.

(b) Exceptions. The arbitral tribunal may admit this evidence for another purpose, such as proving a witness' bias or prejudice or negating a contention of undue delay.

Rule 409 – Offers to Pay Medical and Similar Expenses

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

Rule 410 – Pleas, Plea Discussions, and Related Statements

(a) Prohibited Uses. In a civil case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:

(1) a guilty plea that was later withdrawn;

(2) a nolo contendere plea;

(3) [reserved]; or

(4) a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

(b) Exceptions. The arbitral tribunal may admit a statement described in Rule 410(a)(3) or (4):

(1) in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or

(2) [reserved]

Rule 411 – Liability Insurance

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the arbitral tribunal may admit this evidence for another purpose, such as proving a witness' bias or prejudice or proving agency, ownership, or control.

Rule 412 – Sex-Offense Cases: The Victim's Sexual Behavior or Predisposition

(a) Prohibited Uses. The following evidence is not admissible in a civil proceeding involving alleged sexual misconduct:

(1) evidence offered to prove that a victim engaged in other sexual behavior; or

(2) evidence offered to prove a victim's sexual predisposition.

(b) Exceptions.

(1) [reserved]

(2) Civil Cases. In a civil case, the arbitral tribunal may admit evidence offered to prove a victim's sexual behavior or sexual predisposition if its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. The arbitral tribunal may admit evidence of a victim's reputation only if the victim has placed it in controversy.

(c) Procedure to Determine Admissibility.

(1) Motion. If a party intends to offer evidence under Rule 412(b), the party must:

(A) file a motion that specifically describes the evidence and states the purpose for which it is to be offered;

(B) do so at least 14 days before trial unless the arbitral tribunal, for good cause, sets a different time;

(C) serve the motion on all parties; and

(D) notify the victim or, when appropriate, the victim's guardian or representative.

(2) Hearing. Before admitting evidence under this rule, the arbitral tribunal must conduct an in camera hearing and give the victim and parties a right to attend and be heard. Unless the arbitral tribunal orders otherwise, the motion, related materials, and the record of the hearing must be and remain sealed.

(d) Definition of "Victim." In this rule, "victim" includes an alleged victim.

Rule 413 [reserved]

Rule 414 [reserved]

Rule 415 – Similar Acts in Civil Cases Involving Sexual Assault or Child Molestation

(a) Permitted Uses. In a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the arbitral tribunal may admit evidence that the party

committed any other sexual assault or child molestation. The evidence may be considered as provided in Rules 413 and 414.

(b) Disclosure to the Opponent. If a party intends to offer this evidence, the party must disclose it to the party against whom it will be offered, including witnesses' statements or a summary of the expected testimony. The party must do so at least 15 days before trial or at a later time that the arbitral tribunal allows for good cause.

(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.

ARTICLE V – PRIVILEGES

Rule 501 – Privilege in General

The Roatan Common Law Code — as interpreted by PAC in the light of reason and experience — governs a claim of privilege unless any of the following provides otherwise:

(a) The Próspera ZEDE Charter;
(b) a Próspera ZEDE Rule; or
(c) rules prescribed by the PAC.

Rule 502 – Attorney-Client Privilege and Work Product; Limitations on Waiver

The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

(a) Disclosure Made in a PAC Proceeding or to a Próspera ZEDE Office or Agency; Scope of a Waiver. When the disclosure is made in a proceeding before the PAC or a court of competent jurisdiction or to a Próspera ZEDE office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a Próspera ZEDE only if:

(1) the waiver is intentional;

(2) the disclosed and undisclosed communications or information concern the same subject matter; and

(3) they ought in fairness to be considered together.

(b) Inadvertent Disclosure. When made in a proceeding before the PAC or a court of competent jurisdiction or to a Próspera ZEDE office or agency, the disclosure does not operate as a waiver in a Próspera ZEDE if:

(1) the disclosure is inadvertent;

(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following PAC Rule of Civil Procedure 26 (b)(5)(B).

(c) [reserved]

(d) Controlling Effect of an Arbitral Tribunal Order. A Próspera default Arbitration Service Provider tribunal may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the arbitral tribunal — in which event the disclosure is also not a waiver in any other Próspera ZEDE or state proceeding.

(e) Controlling Effect of a Party Agreement. An agreement on the effect of disclosure in a proceeding before the PAC or a court of competent jurisdiction is binding only on the parties to the agreement, unless it is incorporated into an arbitral tribunal order.

(f) Controlling Effect of this Rule. Notwithstanding Rules 101 and 1101, this rule applies to Próspera ZEDE arbitral tribunal-annexed and Próspera ZEDE arbitral tribunal-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if state law provides the rule of decision.

(g) Definitions. In this rule:

(1) "attorney-client privilege" means the protection that applicable law provides for confidential attorney-client communications; and

(2) "work-product protection" means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.

ARTICLE VI – WITNESSES

Rule 601 – Competency to Testify in General

Every person is competent to be a witness unless these rules provide otherwise.

Rule 602 – Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness' own testimony. This rule does not apply to a witness' expert testimony under Rule 703.

Rule 603 – Oath or Affirmation to Testify Truthfully

Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the witness' conscience.

Rule 604 – Interpreter

An interpreter must be qualified and must give an oath or affirmation to make a true translation.

Rule 605 – Arbiter's Competency as a Witness

The presiding Arbiter may not testify as a witness at the trial. A party need not object to preserve the issue.

Rule 606 – Juror's Competency as a Witness

(a) At the Trial. A juror may not testify as a witness before the other jurors at the trial. If a juror is called to testify, the arbitral tribunal must give a party an opportunity to object outside the jury's presence.

(b) During an Inquiry into the Validity of a Verdict or Indictment.

(1) Prohibited Testimony or Other Evidence. During an inquiry into the validity of a verdict or indictment, a juror may not testify about any statement made or incident that occurred during the jury's deliberations; the effect of anything on that juror's or another juror's vote; or any juror's mental processes concerning the verdict or indictment. The arbitral tribunal may not receive a juror's affidavit or evidence of a juror's statement on these matters.

(2) Exceptions. A juror may testify about whether:

(A) extraneous prejudicial information was improperly brought to the jury's attention;

(B) an outside influence was improperly brought to bear on any juror; or

(C) a mistake was made in entering the verdict on the verdict form.

Rule 607 – Who May Impeach a Witness

Any party, including the party that called the witness, may attack the witness' credibility.

Rule 608 – A Witness' Character for Truthfulness or Untruthfulness

(a) Reputation or Opinion Evidence. A witness' credibility may be attacked or supported by testimony about the witness' reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness' character for truthfulness has been attacked.

(b) Specific Instances of Conduct. Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness' conduct in order to attack or support the witness' character for truthfulness. But the arbitral tribunal may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

(1) the witness; or

(2) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness' character for truthfulness.

Rule 609 – Impeachment by Evidence of a Criminal Conviction

(a) In General. The following rules apply to attacking a witness' character for truthfulness by evidence of a criminal conviction:

(1) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:

(A) must be admitted, subject to Rule 403, in a civil case; and

(B) [reserved]; and

(2) for any crime regardless of the punishment, the evidence must be admitted if the arbitral tribunal can readily determine that establishing the elements of the crime required proving — or the witness' admitting — a dishonest act or false statement.

(b) Limit on Using the Evidence After 10 Years. This subdivision (b) applies if more than 10 years have passed since the witness' conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if:

(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and

(2) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

(c) Effect of a Pardon, Annulment, or Certificate of Rehabilitation. Evidence of a conviction is not admissible if:

(1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or

(2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(d)[reserved]

(e) Pendency of an Appeal. A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610 – Religious Beliefs or Opinions

Evidence of a witness' religious beliefs or opinions is not admissible to attack or support the witness' credibility.

Rule 611 – Mode and Order of Examining Witnesses and Presenting Evidence

(a) Control by the Arbitral Tribunal; Purposes. The arbitral tribunal should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

(1) make those procedures effective for determining the truth;

(2) avoid wasting time; and

(3) protect witnesses from harassment or undue embarrassment.

(b) Scope of Cross-Examination. Cross-examination should not go beyond the subject matter of the direct examination and matters affecting the witness' credibility. The arbitral tribunal may allow inquiry into additional matters as if on direct examination.

(c) Leading Questions. Leading questions should not be used on direct examination except as necessary to develop the witness' testimony. Ordinarily, the arbitral tribunal should allow leading questions:

(1) on cross-examination; and

(2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

Rule 612 – Writing Used to Refresh a Witness' Memory

(a) Scope. This rule gives an adverse party certain options when a witness uses a writing to refresh memory:

(1) while testifying; or

(2) before testifying, if the arbitral tribunal decides that justice requires the party to have those options.

(b) Adverse Party's Options; Deleting Unrelated Matter. An adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness' testimony. If the producing party claims that the writing includes unrelated matter, the arbitral tribunal must examine the writing in camera, delete any unrelated portion, and order that the rest be delivered to the adverse party. Any portion deleted over objection must be preserved for the record.

(c) Failure to Produce or Deliver the Writing. If a writing is not produced or is not delivered as ordered, the arbitral tribunal may issue any appropriate order.

Rule 613 – Witness' Prior Statement

(a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness' prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.

(b) Extrinsic Evidence of a Prior Inconsistent Statement. Extrinsic evidence of a witness' prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

Rule 614 – Arbitral Tribunal's Calling or Examining a Witness

(a) Calling. The arbitral tribunal may call a witness on its own or at a party's request. Each party is entitled to cross-examine the witness.

(b) Examining. The arbitral tribunal may examine a witness regardless of who calls the witness.

(c) Objections. A party may object to the arbitral tribunal's calling or examining a witness either at that time or at the next opportunity when the jury is not present.

Rule 615 – Excluding Witnesses

At a party's request, the arbitral tribunal must order witnesses excluded so that they cannot hear other witnesses' testimony. Or the arbitral tribunal may do so on its own. But this rule does not authorize excluding:

(a) a party who is a natural person;

(b) an officer or employee of a party that is not a natural person, after being designated as the party's representative by its attorney;

(c) a person whose presence a party shows to be essential to presenting the party's claim or defense; or

(d) a person authorized by Próspera ZEDE Rule to be present.

ARTICLE VII – OPINIONS AND EXPERT TESTIMONY

Rule 701 – Opinion Testimony by Lay Witnesses

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

(a) rationally based on the witness' perception;

(b) helpful to clearly understanding the witness' testimony or to determining a fact in issue; and

(c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702 – Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the expert has reliably applied the principles and methods to the facts of the case.

Rule 703 – Bases of an Expert

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704 – Opinion on an Ultimate Issue

(a) In General — Not Automatically Objectionable. An opinion is not objectionable just because it embraces an ultimate issue.

(b) [reserved]

Rule 705 – Disclosing the Facts or Data Underlying an Expert

Unless the arbitral tribunal orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

Rule 706 – Arbitral Tribunal-Appointed Expert Witnesses

(a) Appointment Process. On a party's motion or on its own, the arbitral tribunal may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. The arbitral tribunal may appoint any expert that the parties agree on and any of its own choosing. But the arbitral tribunal may only appoint someone who consents to act.

(b) Expert's Role. The arbitral tribunal must inform the expert of the expert's duties. The arbitral tribunal may do so in writing and have a copy filed with the Administrator or may do so orally at a conference in which the parties have an opportunity to participate. The expert:

(1) must advise the parties of any findings the expert makes;

(2) may be deposed by any party;

(3) may be called to testify by the arbitral tribunal or any party; and

(4) may be cross-examined by any party, including the party that called the expert.

(c) Compensation. The expert is entitled to a reasonable compensation, as set by the arbitral tribunal. The compensation is payable as follows:

(1) in a civil case involving just compensation under the Fifth Amendment, from any funds that are provided by law; and

(2) in any other civil case, by the parties in the proportion and at the time that the arbitral tribunal directs — and the compensation is then charged like other costs.

(d) Disclosing the Appointment to the Jury. The arbitral tribunal may authorize disclosure to the jury that the arbitral tribunal appointed the expert.

(e) Parties' Choice of Their Own Experts. This rule does not limit a party in calling its own experts.

ARTICLE VIII – HEARSAY

Rule 801- Definitions That Apply to This Article; Exclusions from Hearsay

The following definitions apply under this article:

(a) Statement. “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) Declarant. “Declarant” means the person who made the statement.

(c) Hearsay. “Hearsay” means a statement that:

(1) the declarant does not make while testifying at the current trial or hearing; and

(2) a party offers in evidence to prove the truth of the matter asserted in the statement.

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(1) A Declarant-Witness’ Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

(A) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(B) is consistent with the declarant’s testimony and is offered:

(i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or

(ii) to rehabilitate the declarant’s credibility as a witness when attacked on another ground; or

(C) identifies a person as someone the declarant perceived earlier.

(2) An Opposing Party’s Statement. The statement is offered against an opposing party and:

(A) was made by the party in an individual or representative capacity;

(B) is one the party manifested that it adopted or believed to be true;

(C) was made by a person whom the party authorized to make a statement on the subject;

(D) was made by the party’s agent or employee on a matter within the scope of that relationship and while it existed; or

(E) was made by the party’s coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant’s authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Rule 802 – The Rule Against Hearsay

Hearsay is not admissible unless any of the following provides otherwise:

(a) a Próspera ZEDE Rule;
(b) these rules; or
(c) other rules prescribed by the PAC.

Rule 803 – Exceptions to the Rule Against Hearsay

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

(1) Present Sense Impression. A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.

(2) Excited Utterance. A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.

(3) Then-Existing Mental, Emotional, or Physical Condition. A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

(4) Statement Made for Medical Diagnosis or Treatment. A statement that:

(A) is made for — and is reasonably pertinent to — medical diagnosis or treatment; and

(B) describes medical history; past or present symptoms or sensations; their inception; or their general cause.

(5) Recorded Recollection. A record that:

(A) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;

(B) was made or adopted by the witness when the matter was fresh in the witness' memory; and

(C) accurately reflects the witness' knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.

(6) Records of a Regularly Conducted Activity. A record of an act, event, condition, opinion, or diagnosis if:

(A) the record was made at or near the time by — or from information transmitted by — someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;

(C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a Próspera ZEDE Rule permitting certification; and

(E) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

(7) Absence of a Record of a Regularly Conducted Activity. Evidence that a matter is not included in a record described in paragraph (6) if:

(A) the evidence is admitted to prove that the matter did not occur or exist;

(B) a record was regularly kept for a matter of that kind; and

(C) the opponent does not show that the possible source of the information or other circumstances indicate a lack of trustworthiness.

(8) Public Records. A record or statement of a public office if:

(A) it sets out:

(i) the office's activities;

(ii) a matter observed while under a legal duty to report; or

(iii) in a civil case, factual findings from a legally authorized investigation; and

(B) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

(9) Public Records of Vital Statistics. A record of a birth, death, or marriage, if reported to a public office in accordance with a legal duty.

(10) Absence of a Public Record. Testimony — or a certification under Rule 902 — that a diligent search failed to disclose a public record or statement if:

(A) the testimony or certification is admitted to prove that

(i) the record or statement does not exist; or

(ii) a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind; and

(B) [reserved]

(11) Records of Religious Organizations Concerning Personal or Family History. A statement of birth, legitimacy, ancestry, marriage, divorce, death, relationship by blood or marriage, or similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Certificates of Marriage, Baptism, and Similar Ceremonies. A statement of fact contained in a certificate:

> (A) made by a person who is authorized by a religious organization or by law to perform the act certified;
>
> (B) attesting that the person performed a marriage or similar ceremony or administered a sacrament; and
>
> (C) purporting to have been issued at the time of the act or within a reasonable time after it.

(13) Family Records. A statement of fact about personal or family history contained in a family record, such as a Bible, genealogy, chart, engraving on a ring, inscription on a portrait, or engraving on an urn or burial marker.

(14) Records of Documents That Affect an Interest in Property. The record of a document that purports to establish or affect an interest in property if:

> (A) the record is admitted to prove the content of the original recorded document, along with its signing and its delivery by each person who purports to have signed it;
>
> (B) the record is kept in a public office; and
>
> (C) a Próspera ZEDE Rule authorizes recording documents of that kind in that office.

(15) Statements in Documents That Affect an Interest in Property. A statement contained in a document that purports to establish or affect an interest in property if the matter stated was relevant to the document's purpose — unless later dealings with the property are inconsistent with the truth of the statement or the purport of the document.

(16) Statements in Ancient Documents. A statement in a document that was prepared twenty years before the document is offered into evidence and whose authenticity is established.

(17) Market Reports and Similar Commercial Publications. Market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations.

(18) Statements in Learned Treatises, Periodicals, or Pamphlets. A statement contained in a treatise, periodical, or pamphlet if:

> (A) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
>
> (B) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

(19) Reputation Concerning Personal or Family History. A reputation among a person's family by blood, adoption, or marriage — or among a person's associates or in the community — concerning the person's birth, adoption, legitimacy, ancestry, marriage, divorce, death, relationship by blood, adoption, or marriage, or similar facts of personal or family history.

(20) Reputation Concerning Boundaries or General History. A reputation in a community — arising before the controversy — concerning boundaries of land in the community or customs that affect the land, or concerning general historical events important to that community, state, or nation.

(21) Reputation Concerning Character. A reputation among a person's associates or in the community concerning the person's character.

(22) Award of a Previous Conviction. Evidence of a final award of conviction if:

(A) the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;

(B) the conviction was for a crime punishable by death or by imprisonment for more than a year;

(C) the evidence is admitted to prove any fact essential to the award; and

(D) [reserved]

The pendency of an appeal may be shown but does not affect admissibility.

(23) Awards Involving Personal, Family, or General History, or a Boundary. An award that is admitted to prove a matter of personal, family, or general history, or boundaries, if the matter:

(A) was essential to the award; and

(B) could be proved by evidence of reputation.

Rule 804 – Hearsay Exceptions; Declarant Unavailable

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant:

(1) is exempted from testifying about the subject matter of the declarant's statement because the arbitral tribunal rules that a privilege applies;

(2) refuses to testify about the subject matter despite an arbitral tribunal order to do so;

(3) testifies to not remembering the subject matter;

(4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

(5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:

(A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or

(B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

(b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) Former Testimony. Testimony that:

(A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and

(B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

(2) Statement Under the Belief of Imminent Death. In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.

(3) Statement Against Interest. A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) [reserved].

(4) Statement of Personal or Family History. A statement about:

(A) the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or

(B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was

so intimately associated with the person's family that the declarant's information is likely to be accurate.

(5) [reserved]

(6) Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability. A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result.

Rule 805 – Hearsay Within Hearsay

Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Rule 806 – Attacking and Supporting the Declarant

When a hearsay statement — or a statement described in Rule 801(d)(2)(C), (D), or (E) — has been admitted in evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The arbitral tribunal may admit evidence of the declarant's inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

Rule 807 – Residual Exception

(a) In General. Under the following circumstances, a hearsay statement is not excluded by the rule against hearsay even if the statement is not specifically covered by a hearsay exception in Rule 803 or 804:

(1) the statement has equivalent circumstantial guarantees of trustworthiness;

(2) it is offered as evidence of a material fact;

(3) [reserved]; and

(4) admitting it will best serve the purposes of these rules and the interests of justice.

(b) Notice. The statement is admissible only if, before the trial or hearing, the proponent gives an adverse party reasonable notice of the intent to offer the statement and its particulars, including the declarant's name and address, so that the party has a fair opportunity to meet it.

ARTICLE IX – AUTHENTICATION AND IDENTIFICATION

Rule 901 – Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement:

(1) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be.

(2) Nonexpert Opinion About Handwriting. A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.

(3) Comparison by an Expert Witness or the Trier of Fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.

(4) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(5) Opinion About a Voice. An opinion identifying a person's voice — whether heard firsthand or through mechanical or electronic transmission or recording — based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

(6) Evidence About a Telephone Conversation. For a telephone conversation, evidence that a call was made to the number assigned at the time to:

(A) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or

(B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.

(7) Evidence About Public Records. Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept.

(8) Evidence About Ancient Documents or Data Compilations. For a document or data compilation, evidence that it:

(A) is in a condition that creates no suspicion about its authenticity;

(B) was in a place where, if authentic, it would likely be; and

(C) is at least 20 years old when offered.

(9) Evidence About a Process or System. Evidence describing a process or system and showing that it produces an accurate result.

(10) Methods Provided by a Statute or Rule. Any method of authentication or identification allowed by a Próspera ZEDE Rule or a PAC Rule.

Rule 902 – Evidence That Is Self-Authenticating

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

(1) Domestic Public Documents That Are Sealed and Signed. A document that bears:

(A) a seal purporting to be that of the Próspera ZEDE or the Republic of Honduras; and

(B) a signature purporting to be an execution or attestation.

(2) Domestic Public Documents That Are Not Sealed but Are Signed and Certified. A document that bears no seal if:

(A) it bears the signature of an officer or employee of an entity named in Rule 902(1)(A); and

(B) another public officer who has a seal and official duties within that same entity certifies under seal — or its equivalent — that the signer has the official capacity and that the signature is genuine.

(3) Foreign Public Documents. A document that purports to be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attester — or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a Honduran embassy or legation; by a consul general, vice consul, or consular agent of the Republic of Honduras; or by a diplomatic or consular official of the foreign country assigned or accredited to the Republic of Honduras. If all parties have been given a reasonable opportunity to investigate the document's authenticity and accuracy, the arbitral tribunal may, for good cause, either:

(A) order that it be treated as presumptively authentic without final certification; or

(B) allow it to be evidenced by an attested summary with or without final certification.

(4) Certified Copies of Public Records. A copy of an official record — or a copy of a document that was recorded or filed in a public office as authorized by law — if the copy is certified as correct by:

(A) the custodian or another person authorized to make the certification; or

(B) a certificate that complies with Rule 902(1), (2), or (3), a Próspera ZEDE Rule, or a PAC Rule.

(5) Official Publications. A book, pamphlet, or other publication purporting to be issued by a public authority.

(6) Newspapers and Periodicals. Printed material purporting to be a newspaper or periodical.

(7) Trade Inscriptions and the Like. An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.

(8) Acknowledged Documents. A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.

(9) Commercial Paper and Related Documents. Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.

(10) Presumptions Under a Próspera ZEDE Rule. A signature, document, or anything else that a Próspera ZEDE Rule declares to be presumptively or prima facie genuine or authentic.

(11) Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)-(C), as shown by a certification of the custodian or another qualified person that complies with a Próspera ZEDE Rule or a PAC Rule. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record — and must make the record and certification available for inspection — so that the party has a fair opportunity to challenge them.

(12) Certified Foreign Records of a Regularly Conducted Activity. In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification, rather than complying with a Próspera ZEDE Rule or PAC rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) Certified Records Generated by an Electronic Process or System. A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(11) or (12). The proponent must also meet the notice requirements of Rule 902(11).

(14) Certified Data Copied from an Electronic Device, Storage Medium, or File. Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(11) or (12). The proponent also must meet the notice requirements of Rule 902(11).

Rule 903 – Subscribing Witness

A subscribing witness' testimony is necessary to authenticate a writing only if required by the law of the jurisdiction that governs its validity.

ARTICLE X – CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001 – Definitions That Apply to This Article

In this article:

(a) A "writing" consists of letters, words, numbers, or their equivalent set down in any form.

(b) A "recording" consists of letters, words, numbers, or their equivalent recorded in any manner.

(c) A "photograph" means a photographic image or its equivalent stored in any form.

(d) An "original" of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, "original" means any printout — or other output readable by sight — if it accurately reflects the information. An "original" of a photograph includes the negative or a print from it.

(e) A "duplicate" means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original.

Rule 1002 – Requirement of the Original

An original writing, recording, or photograph is required in order to prove its content unless these rules or a Próspera ZEDE Rule provides otherwise.

Rule 1003 – Admissibility of Duplicates

A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.

Rule 1004 – Admissibility of Other Evidence of Content

An original is not required and other evidence of the content of a writing, recording, or photograph is admissible if:

(a) all the originals are lost or destroyed, and not by the proponent acting in bad faith;

(b) an original cannot be obtained by any available judicial process;

(c) the party against whom the original would be offered had control of the original; was at that time put on notice, by pleadings or otherwise, that the original would be a subject of proof at the trial or hearing; and fails to produce it at the trial or hearing; or

(d) the writing, recording, or photograph is not closely related to a controlling issue.

Rule 1005 – Copies of Public Records to Prove Content

The proponent may use a copy to prove the content of an official record — or of a document that was recorded or filed in a public office as authorized by law — if these conditions are met: the record or document is otherwise admissible; and the copy is certified as correct in accordance with Rule 902(4) or is testified to be correct by a witness who has compared it with the original. If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.

Rule 1006 – Summaries to Prove Content

The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in arbitral tribunal. The proponent must make the originals or duplicates available for examination or copying, or both, by other parties at a reasonable time and place. And the arbitral tribunal may order the proponent to produce them in arbitral tribunal.

Rule 1007 – Testimony or Statement of a Party to Prove Content

The proponent may prove the content of a writing, recording, or photograph by the testimony, deposition, or written statement of the party against whom the evidence is offered. The proponent need not account for the original.

Rule 1008 – Functions of the Arbitral Tribunal and Jury

Ordinarily, the arbitral tribunal determines whether the proponent has fulfilled the factual conditions for admitting other evidence of the content of a writing, recording, or photograph under Rule 1004 or 1005. But in a jury trial, the jury determines — in accordance with Rule 104(b) — any issue about whether:

(a) an asserted writing, recording, or photograph ever existed;

(b) another one produced at the trial or hearing is the original; or

(c) other evidence of content accurately reflects the content.

ARTICLE XI – MISCELLANEOUS RULES

Rule 1101 – Applicability of the Rules

(a) To Arbitral Tribunals and Arbiters. These rules apply to proceedings involving cases or controversies consisting of claims involving equitable relief or a monetary claim having a value of at least $50,000.00 USD, which has not been assigned to any special division of the PAC by Próspera Rule or PAC Administrative Order (and which are not otherwise covered by the terms of a more specific set of Rules on the same subject matter), before:

(1) PAC trial arbitral tribunals; and
(2) PAC arbitral tribunal of appeals;

(b) To Cases and Proceedings. These rules apply in:

(1) civil cases and proceedings involving cases or controversies involving equitable relief or a monetary claim having a value of at least $50,000.00 USD, which has not been assigned to any special division of the PAC by

Próspera Rule or PAC Administrative Order (and which are not otherwise covered by the terms of a more specific set of Rules on the same subject matter); and

(2) contempt proceedings arising from such civil cases and proceedings, except those in which the arbitral tribunal may act summarily.

(c) Rules on Privilege. The rules on privilege apply to all stages of a case or proceeding.

(d) Exceptions. These rules — except for those on privilege — do not apply to the following:

(1) the arbitral tribunal's determination, under Rule 104(a), on a preliminary question of fact governing admissibility;

(2) [reserved];

(3) [reserved]

(e) Other Statutes and Rules. A Próspera ZEDE Rule or a PAC Rule may provide for admitting or excluding evidence independently from these rules.

Rule 1102 – Amendments

These rules may be amended by the PAC with the approval of its Standing Competence and Ethics Committee.

Rule 1103 – Title

These rules may be cited as the PAC Rules of Evidence for Moderate, Major, Extraordinary and Equitable Claims.