

PROPOSED REVISIONS TO RULE 4: TIME FOR FILING

- (A) A CLAIMANT shall file a written statement of a DISPUTE with the ICDR no more than 120 days after the CLAIMANT becomes aware of the action or inaction giving rise to the DISPUTE; provided, however, that a statement of a DISPUTE may not be filed more than [*length TBD by IRP IOT; currently 12 months*] months from the date of such action or inaction.
- (B) Under certain exceptional circumstances, a CLAIMANT may seek leave from the IRP Panel to pursue an IRP where the statement of a DISPUTE is filed after the timeframe set forth in (A) above. An IRP Panel may permit CLAIMANT to file its written statement of a DISPUTE after the timeframe set forth in (A) above if the CLAIMANT demonstrates each of the following requirements by clear and convincing evidence: (1) extraordinary circumstances objectively proven and not caused by the CLAIMANT prevented the CLAIMANT from becoming aware of the action being challenged in the DISPUTE or from being able to file a written statement of a DISPUTE within [*length TBD by IRP IOT; currently 12 months*] months from the date of the disputed action or inaction; and (2) any relief requested, including requests for interim measures of protection, by CLAIMANT, if awarded or recommended by the Panel, would not adversely affect any third party. Any request for leave to file a written statement of a DISPUTE after the time period set forth in (A) above shall be accompanied by CLAIMANT's proposed statement of a DISPUTE and must be filed within 30 calendar days of the CLAIMANT becoming aware of the action being challenged in the DISPUTE or from being able to file a written statement of a DISPUTE as set forth in this paragraph. Under no circumstances may a CLAIMANT file a statement of a DISPUTE more than four years after the date of the disputed action or inaction.
- (C) In order for an IRP to be deemed to have been timely filed, all fees must be paid to the ICDR within three business days (as measured by the ICDR) of the filing of a statement of a DISPUTE.