

Attachment A

Customer Code

12512. Subpoenas

(a) – (c) No change.

(d) If the arbitrator issues a subpoena, the party that requested the subpoena must serve the subpoena on all parties and, if applicable, on any non-party receiving the subpoena. The party must serve the subpoena on the non-party by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile.

(e) If a non-party receiving a subpoena objects to the scope or propriety of the subpoena, the non-party may, within [10] 15 calendar days of [service] receipt of the subpoena, file written objections with the Director and the requesting party. The non-party may file the objection by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile. The Director shall forward a copy of the written objections to [the arbitrator and] all other parties. The party that requested the subpoena may respond to the objections within 10 calendar days of receipt of the objections. The party must serve the response on the non-party and all other parties and file proof of service with the Director pursuant to Rule 12300(c)(5). The Director will send, at the same time, objections and responses to the panel after the reply date has elapsed, unless otherwise directed by the panel. After considering all objections, the arbitrator responsible for issuing the subpoena shall rule promptly on the objections.

(f) – (g) No change.

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12513. Authority of Panel to Direct Appearances of Associated Person Witnesses and Production of Documents Without Subpoenas

(a) – (c) No change.

(d) If the arbitrator issues an order, the party that requested the order must serve the order on all parties and, if applicable, on any non-party receiving the order. The party must serve the order on the non-party[.] by overnight mail service, overnight delivery service, hand delivery, email or facsimile.

(e) If a non-party receiving an order objects to the scope or propriety of the order, the non-party may, within [10] 15 calendar days of [service] receipt of the order, file written objections with the Director and the requesting party. The non-party may file the objection by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile. The Director shall forward a copy of the written objections to [the arbitrator and] all other parties. The party that requested the order may respond to the objections within 10 calendar days of receipt of the objections. The party must serve the response on the non-party and all other parties and file proof of service with the Director pursuant to Rule 12300(c)(5). The Director will send, at the same time, objections and responses to the panel after the reply date has elapsed, unless otherwise directed by the panel. After considering all objections, the arbitrator responsible for issuing the order shall rule promptly on the objections.

(f) – (g) No change.

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Industry Code

13512. Subpoenas

(a) – (c) No change.

(d) If the arbitrator issues a subpoena, the party that requested the subpoena must serve the subpoena on all parties and, if applicable, on any non-party receiving the subpoena. The party must serve the subpoena on the non-party by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile.

(e) If a non-party receiving a subpoena objects to the scope or propriety of the subpoena, the non-party may, within [10] 15 calendar days of [service] receipt of the subpoena, file written objections with the Director and the requesting party. The non-party may file the objection by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile. The Director shall forward a copy of the written objections to [the arbitrator and] all other parties. The party that requested the subpoena may respond to the objections within 10 calendar days of receipt of the objections. The party must serve the response on the non-party and all other parties and file proof of service with the Director pursuant to Rule 13300(c)(4). The Director will send, at the same time, objections and responses to the panel after the reply date has elapsed, unless otherwise directed by the panel. After considering all objections, the arbitrator responsible for issuing the subpoena shall rule promptly on the objections.

(f) – (g) No change.

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13513. Authority of Panel to Direct Appearances of Associated Person Witnesses and Production of Documents Without Subpoenas

(a) – (c) No change.

(d) If the arbitrator issues an order, the party that requested the order must serve the order on all parties and, if applicable, on any non-party receiving the order. The party must serve the order on the non-party by [first-class mail] overnight mail service, overnight delivery service, hand delivery, email or facsimile.

(e) If a non-party receiving an order objects to the scope or propriety of the order, the non-party may, within [10] 15 calendar days of [service] receipt of the order, file written objections with the Director and the requesting party. The non-party may file the objection by [first-class mail,] overnight mail service, overnight delivery service, hand delivery, email or facsimile. The Director shall forward a copy of the written objections to [the arbitrator and] all other parties. The party that requested the order may respond to the objections within 10 calendar days of receipt of the objections. The party must serve the response on the non-party and all other parties and file proof of service with the Director pursuant to Rule 13300(c)(4). The Director will send, at the same time, objections and responses to the panel after the reply date has elapsed, unless otherwise directed by the panel. After considering all objections, the arbitrator responsible for issuing the order shall rule promptly on the objections.

(f) – (g) No change.