



State of Vermont

NEW MOTOR VEHICLE ARBITRATION BOARD

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Date

Re: Consumer v. Manufacturer

Vehicle Identification Number (VIN):

Dear Consumer and Manufacturer:

Please read all pages to be informed of arbitration procedures and fulfill your responsibilities where indicated.

- The Demand for Arbitration for the above-referenced matter was accepted as complete on
- A hearing notice with directions to 133 State Street, Room 410, Montpelier will be issued approximately 2 weeks prior to Wednesday, ,20XX, the hearing date.
- A continuance (hearing date change) may be requested by either party in writing for “good cause” per Board rule 7. Both parties will be notified when a continuance is granted or if the request is denied.
- The case may be in the pending Section B and moved to Section A with a designated time if any of the scheduled cases withdraw. If an opening does not occur, the case will be heard on the next hearing date. Both parties will be notified in either situation.
- The consumer may withdraw the claim if the manufacturer’s final repair attempt is accepted as correcting the claimed defect(s) or condition(s). The case will be closed but may be reopened if the defect(s) or condition(s) recurs, the vehicle is still within the manufacturer's express warranty and a hearing is requested.
- The consumer will continue to hearing if not satisfied with the vehicle’s condition after the final repair attempt and explain how the claimed defect(s)/condition(s) substantially impairs the vehicle's use, market value or safety or a combination of these standards. The consumer may continue to hearing even if the claimed condition appears repaired.
- A final repair applies to “3-times-out” and “30-days-out-of service” claims. The defect for a “30-days-out-of-service” claim is the time period and warranty repair history within the timeframe.

- Pursuant to Board rule #9, each party shall provide all documents and records relevant to the Demand for Arbitration to each other and the Board by three days prior to hearing. This includes Technical Service Bulletins (TSBs), special service statements, **technician notes for each repair order**, owner maintenance records and similar items.
- For hearings held on a Wednesday, the discovery deadline for receipt of additional evidence/documentation by the Board and other party is by the preceding Friday.
- For hearings held on a Tuesday, the discovery deadline for receipt of additional evidence/documentation by the Board and other party is by the preceding Thursday.
- **Consumer: Please notify the Arbitration Office if the Manufacturer's Answer isn't received on or before one day pre-hearing or if additional evidence to support the Answer (if applicable) is not received by five calendar days pre-hearing.**
- If the parties agree to a pre-hearing settlement, a copy of the written terms with signatures should be e-mailed to LemonLaw@vermont.gov; faxed to 802-828-5809 or provided by mail to the above address to be received by the Board office preferably several days prior to hearing.
- If the manufacturer asserts no defense in its Answer (response form), there will be no hearing and the decision will be issued within 30 days after the Board's receipt of the Answer, which must also be provided to consumer by manufacturer. The consumer should still file the five requested case material sets (see below) for review by the Board after receipt of the Answer asserting no defense.
- If a settlement is not attained, the consumer should prepare for hearing by outlining the vehicle facts in writing as a personal reference for presentation.
- The manufacturer should prepare for hearing by responding to any reasonable request by the consumer for additional documentation from Section 7 of the Demand and provide it to the consumer and Board by three days prior to hearing.
- Additional information may not be added to the record by either party after the hearing closes. The record is complete after any Board member test drive, vehicle inspection or both.

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- **The CONSUMER should produce five legible, assembled sets of the arbitration material already submitted to the Board office and manufacturer. The case file sets should be mailed or delivered to the Board office address on page 1 so they are received by 3 days prior to hearing.**

- To facilitate Board review of your case, also please send case documentation to the Board electronically at LemonLaw.vermont.gov if you have e-mail. Thank you.
- ANY ADDITIONAL DOCUMENTATION WITHIN THE 5 SETS OF MATERIAL NOT ALREADY SUBMITTED SHOULD BE IDENTIFIED AS “NEW” and forwarded by the consumer to the Board office and manufacturer to be received by 3 days prior to hearing. Please remember to enclose an EXTRA copy of additional documentation, not already submitted, for the official case record.

Each copied set of the case file, which will be distributed to Board members, should be in this suggested order as applicable: **(Personal information as social security number and birthdate should be redacted.)**

1. Demand for Arbitration (Place the completed Demand copy first and any succession of submitted incomplete ones thereafter.)
2. Copy of active insurance card
3. Copy of current state vehicle registration
4. a) Documentation of the total interest charges paid to date from the lienholder with a copy of the financial contract (may be titled Retail Installment Contract) and the Vermont Disclosure form (if financed in Vermont) of the amount financed within a retail installment contract
 - b) If the vehicle was leased, a complete copy of the lease, including an itemization of the gross capitalized cost
 - c) If the vehicle was leased, a copy of the lease worksheet
5. Vehicle purchase contract including signature(s) of buyer and seller.
6. Documentation of **itemized** motor vehicle registration, title fee and similar charges if not listed within the purchase contract or lease agreement. If the vehicle was initially registered in another state and continues to be registered in that state, submit itemized documentation of any fees or tax paid.
7. The portion of the manufacturer’s express warranty outlining coverage for the claimed defect(s)/condition(s) by time or miles, including exclusions.
8. Repair order summary
9. Repair orders arranged from first repair to most recent one. The final repair order or written examination from the visit should be included.
10. A copy of official receipts for incidental/consequential damages incurred because of the claimed defect(s)/condition(s) as towing charges or rentals that weren’t reimbursed.
11. Any other evidence pertaining to the Demand or information submitted to the Board and manufacturer in addition to the preceding (as long as received by 3 days pre-hearing).

- The MANUFACTURER should supply six legible copies (five for the Board members and one for the record) of the Manufacturer's Answer, which is provided with the hearing notice or is available on-line, within five days pre-hearing.
- The MANUFACTURER must also send a copy of its Answer to the consumer for receipt within five days pre-hearing.
- To facilitate Board review, if possible please also send the documentation to the Board electronically at LemonLaw.vermont.gov. Thank you.
- Evidence as the final repair order, applicable technical service bulletin(s), special service statements, technician notes for each repair order or similar must be filed with the Board and consumer to be received by both by 3 days prior to hearing.
- For hearings held on a Wednesday, the discovery deadline for receipt of documentation by the Board and other party is by the preceding Friday.
- For hearings held on a Tuesday, the discovery deadline for receipt of documentation by the Board and other party is by the preceding Thursday.
- The MANUFACTURER should consider having a technical representative at the hearing familiar with computer diagnostic codes, technical service bulletins and similar items applicable to the subject vehicle as well as having been involved with the vehicle to provide first-hand testimony.

Please refer to the arbitration office contact information on page 1 if you have any questions.

Thank you.