

INTERNATIONAL CENTRE  
FOR DISPUTE RESOLUTION®AMERICAN  
ARBITRATION  
ASSOCIATION®**BNP Development LLC****v.****01-24-0008-2505****JDS Principal 9DKB LLC and  
JDS Principal Parent et al****AAA Case Administrator: Lyn Pagliarini**

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### **Procedural Order #8**

Claimant shall be referred to as “BNP” and Respondents collectively as “JDS.” BNP and JDS shall be collectively referred to as the “Parties.” This procedural order is entered following a status hearing held via Zoom at 3:00 p.m. ET on May 7, 2025.

### **RECITALS**

- A. The Tribunal entered a Partial Final Award (the “PFA”) in this matter on April 29, 2025.
- B. Paragraph H of the Dispositive/Award section of the PFA set this matter for status on May 7, 2025 at 3:00 p.m. ET via a Zoom hearing.
- C. At 11:30 a.m. ET, May 6, 2025, Robert M. Novick (counsel for JDS) delivered to the Tribunal, the Administrator and BNP via email a letter advising that “Kasowitz Benson Torres LLP withdraws from representing the Respondents in the matter of *BNP Development LLC v. JDS Principal 9DKB LLC and JDS Principal Parent*, AAA Case 01-24-0008-2505 (the “Withdrawal Letter”). The Withdrawal Letter further requested that Mr. Novick, David Szeker, Ann M. St. Peter-Griffith and Connor Hutchins be removed from the service list for this proceeding.
- D. At 4:23 p.m. ET, May 6, 2025, the Tribunal received an email communication from Mr. Nithin Jayadeva. Mr. Jayadeva’s email identified his title as “Director, Associate General Counsel, JDS Development Group”. Mr. Jayadeva “request[ed] a one week adjournment of [the May 7, 2025 status] conference,” and advised the Tribunal that he was unavailable to attend hearing set for May 7, 2025.

E. The Tribunal responded to Mr. Jayadeva's email as follows -

"As expressed in the Partial Final Award, [it] was concerned by the status of the Assignment-in-Lieu and that it was not yet a consummated transaction. That is the reason that the Partial Final Award order E required the disclosure of the described documents by today.

If Claimants agree to continue tomorrow's hearing, [the Tribunal has] no objection and will continue the hearing as you request. If they object, then we will proceed tomorrow as scheduled.

F. BNP strongly objected to a continuation of the status hearing, whereupon the Tribunal advised all Parties -

"Per my earlier email, absent [BNP's] consent, which the above makes clear [BNP does] not give, we will proceed tomorrow for the status hearing as scheduled."

G. At 1:03 p.m. ET, May 7, 2025, Mr. Jayadeva again requested a one-week continuance of the status hearing. The Tribunal declined the request and advised the Parties that the status hearing would proceed. The Tribunal further advised that Mr. Jayadeva may appear via cell phone if he wished.

H. At 2:50 p.m. ET, Mr. Jonathan E. Minsker, Esq. advised the Tribunal and the Parties that he would appear on behalf of JDS for the status only. Mr. Minsker did in fact appear on behalf of JDS at the status hearing.

I. The status hearing was held on May 7, 2025, commencing at 3:00 p.m. ET. The following persons appeared and participated in the hearing:

For BNP: Craig Flanders; Andrew M. Kaufman

For JDS: Jonathan E. Minsker

The Administrator: Ms. Lyn Pagliarini

J. During the status hearing -

- i. Counsel for BNP advised that immediately following the issuance of the PFA, it made a demand for documents consistent with the PFA, which required production on May 7, 2025. As of the commencement of the status hearing, no production had occurred.
- ii. Counsel for BFP further advised that while a single document had been produced with respect to Dispositive/Award paragraph E, full compliance with that paragraph had not occurred.
- iii. Mr. Minsker repeated JDS' request that the status hearing be continued one week per Mr. Jayadeva's request on May 6, 2025.
- iv. Counsel for BFP made multiple requests with respect to its document production demands.

- v. Mr. Minsker advised that until JDS retains new counsel who appear, notices should be sent to Mr. Jayadeva c/o the email address he used to communicate with the Tribunal, and that Mr. Minsker would accept a copy of this procedural order and deliver it to JDS or JDS' new counsel.

The Tribunal being fully advised, all Parties having had an opportunity to be heard and fully present their arguments, the Tribunal hereby orders as follows:

## ORDER OF THE TRIBUNAL

1. This matter is set for status via Zoom on May 13, 2025 at 3:30 p.m. ET, no further notice to issue. The Zoom link for the hearing is below:

**Topic:** AAA Case 01-24-0008-2505

**Time:** May 13, 2025 03:30 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us06web.zoom.us/j/88372882196?pwd=TtGoFKVIUpZaG9BnB8GTfxWvqOJZS7.1>

**Meeting ID:** 883 7288 2196

**Passcode:** 903464

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One tap mobile

+13092053325,,88372882196#,,,903464# US

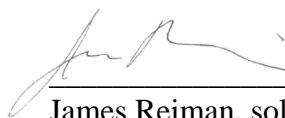
+13126266799,,88372882196#,,,903464# US (Chicago)

2. BNP shall, on or before 5:00 p.m., ET, May 9, 2025, deliver to the Tribunal, JDS and Mr. Minsker a motion<sup>1</sup> (the "Relief Motion") setting forth all relief that it seeks following the issuance of the PFA. To the extent that it seeks documents prior to the period prescribed in the PFA, it shall state with specificity the reason for the expansion of the applicable time period. BNP may amend its Relief Motion from time to time as it deems necessary and proper.
3. JDS shall, absent exigent circumstances, appear at the May 13, 2025 hearing with counsel fully advised and prepared to (i) orally respond to the relief sought by BNP in its Relief Motion, and (ii) report on JDS' compliance with the PFA.
4. For the avoidance of doubt, this procedural order does not extend or otherwise modify any term, date, deadline or other provision of the PFA.

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<sup>1</sup> The motion may be in letter form or formal motion form, as BNP determines most efficient.

So Ordered:

A handwritten signature in black ink, appearing to read 'James Reiman', is written over a horizontal line.

James Reiman, sole arbitrator

Dated: May 7, 2025