

78B-10a-104 Rescission -- Discovery.

- (1)
 - (a) Any party who has agreed to arbitration in accordance with this chapter may rescind the agreement if the rescission is made within:
 - (i) 90 days after the agreement to arbitrate; and
 - (ii) not less than 30 days before any scheduled arbitration hearing.
 - (b) A person seeking to rescind an agreement to arbitrate in accordance with this chapter shall:
 - (i) file a notice of the rescission of the agreement to arbitrate with the district court where the matter was filed; and
 - (ii) send copies of the notice of the rescission of the agreement to arbitrate to all counsel of record in the action.
 - (c) All discovery completed in anticipation of the arbitration hearing shall be available for use by the parties as allowed by the Utah Rules of Civil Procedure and Utah Rules of Evidence.
 - (d) A party who has agreed to arbitrate in accordance with this chapter and then rescinded the agreement to arbitrate may not subsequently request to arbitrate the claim again.
- (2)
 - (a) Unless otherwise agreed to by the parties or by order of the court, an arbitration process agreed to in accordance with this chapter is subject to Rule 26, Utah Rules of Civil Procedure.
 - (b) Unless otherwise agreed to by the parties or ordered by the court, discovery shall be completed within 150 days after the date arbitration is elected in accordance with this chapter or the date the answer is filed, whichever is longer.

Enacted by Chapter 197, 2011 General Session