

78B-11-111 Consolidation of separate arbitration proceedings.

- (1) Except as otherwise provided in Subsection (3), upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:
 - (a) there are separate agreements to arbitrate or separate arbitration proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitration proceeding with a third person;
 - (b) the claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;
 - (c) the existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and
 - (d) prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.
- (2) The court may order consolidation of separate arbitration proceedings as to some claims and allow other claims to be resolved in separate arbitration proceedings.
- (3) The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

Renumbered and Amended by Chapter 3, 2008 General Session