

## CELEBRATING OUR 25TH YEAR IN BUSINESS

### Avoiding Delay in Bifurcated Arbitration

Bifurcation of a trial may be ordered by a court or requested by the litigating parties. Often, the first of the two hearings will address liability and the second, damages.

Some of the usual benefits of bifurcation are apparent. The initial hearing on liability alone will generally be shorter, involve fewer pretrial motions and be less costly. A finding of no liability should conclude all other issues. In addition, a decision on liability may suggest to both parties the basis upon which a final settlement may be reached.



Judge Abraham J. Gafni  
(Ret.)

When arbitration is involved, however, parties who agree on bifurcation anticipating some of the benefits noted above may suddenly find that it is no longer less expensive, speedier and relatively uncomplicated. This unexpected circumstance may result if a party unhappy with the arbitrator's finding on liability can delay the process through a motion to vacate that interim decision.

An example of such delay was recently reflected in *Egan Jones Rating v. Pruette*, (E.D. Pa, No-16-mc-105, Jan. 24). The Egan case involved a contractual dispute between Egan and Pruette. The parties had agreed to arbitrate under the Federal Arbitration Act (FAA) and stipulated that the arbitration would be bifurcated into liability and damages phases. [READ MORE](#)

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