

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**Bridgestone Licensing Services, Inc. and Bridgestone Americas, Inc.**

**v.**

**Republic of Panama**

**(ICSID Case No. ARB/16/34)**

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**PROCEDURAL ORDER No. 9**

**– Confidentiality Order –**

***Members of the Tribunal***

Lord Nicholas Phillips Baron of Worth Matravers, President of the Tribunal

Mr. Horacio A. Grigera Naón, Arbitrator

Mr. J. Christopher Thomas, QC, Arbitrator

***Secretary of the Tribunal***

Ms. Luisa Fernanda Torres

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4 April 2019

## **Procedural Order No. 9**

### **I. INTRODUCTION**

1. On 29 March 2019, the Tribunal issued Procedural Order No. 8, by which it ordered the following in connection with Claimants' Document Production Requests No. 6, 7 and 9:

*“By 1800 (EST) on Friday 5 April 2019 Panama to disclose the relevant responsive documents to the Claimants' lawyers on terms, to be agreed to by the Claimants, that in the first instance the disclosure will be for the lawyers' eyes only. Should the Claimants' lawyers wish to use the documents as evidence in this Arbitration, or to take instructions from the Claimants in relation to their content they must, by 1800 (EST) on Friday 12 April 2019, apply to the Tribunal for appropriate directions.”<sup>1</sup>*

2. On 2 April 2019, the Parties notified the Tribunal that the Parties had agreed on the terms for the disclosure of documents ordered by paragraph 12 of Procedural Order No. 8, and proposed an agreed upon draft confidentiality order.
3. The Tribunal endorses the Parties' agreement, and accordingly issues the following order, in the terms agreed upon by the Parties.

### **II. ORDER**

4. Pursuant to Procedural Order No. 8, the documents identified by the Respondent as responsive to Requests Nos. 6, 7 and 9 of the Claimants' Document Production Requests (the “**Restricted Information**”) shall be produced to the Claimants by 1800 (EST) on 5 April 2019, subject to the confidentiality regime set out in the following paragraphs.
5. The Restricted Information shall be provided only to partners and employees of Akin Gump Strauss Hauer & Feld LLP (“**Akin Gump**”) engaged in these proceedings. These persons shall keep the Restricted Information confidential; and shall not share the Restricted Information with the Claimants or any third party (except as identified in paragraph 3) without the Tribunal's permission.
6. Akin Gump is permitted to obtain translations of the Restricted Information from its external translation service providers (“**Translators**”), provided that the Translators are made aware of this Confidentiality Order and agree to keep the Restricted Information confidential.
7. The Claimants have permission to apply to the Tribunal for directions by 1800 (EST) on 12 April 2019, should Akin Gump wish to use the Restricted Information as evidence in a

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<sup>1</sup> Procedural Order No. 8, ¶ 12.

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supplemental Reply in this Arbitration and/or to take instructions from the Claimants in relation to the Restricted Information.

For and on behalf of the Tribunal,

\_\_\_\_\_[Signed]\_\_\_\_\_  
Lord Nicholas Phillips Baron of Worth Matravers  
President of the Tribunal