

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

B-Mex, LLC and others

v.

United Mexican States (ICSID Case No. ARB(AF)/16/3)

PROCEDURAL ORDER NO. 8

Members of the Tribunal

Dr. Gaëtan Verhoosel, President
Prof. Gary Born, Arbitrator
Mr. Raúl Emilio Vinuesa, Arbitrator

Secretary of the Tribunal

Ms. Natalí Sequeira, ICSID

2 October 2019

1. The Tribunal thanks the parties for their helpful submissions regarding the procedural timetable for the merits phase of this proceeding, and notes that the parties are broadly in agreement on the appropriate structure and time limits.
2. The parties do disagree on when document production should take place. Having considered the parties' submissions on this point, the Tribunal has decided not to retain the Respondent's proposal for four distinct sets of document production requests—one prior to each of the four pre-hearing submissions. The Tribunal is concerned that document production requests uninformed by a first round of pre-hearing submissions risk being insufficiently narrow, targeted, relevant and material. Consistent with prevailing practice in international arbitration, the Tribunal prefers to provide for simultaneous document production requests after the first round of pre-hearing briefing. That approach ensures equal treatment—each party submits one brief with and without the benefit of document production—and causes no prejudice to either party.
3. Having considered the parties' submissions, in accordance with Section 14.2 of PO1, the Tribunal fixes the procedural timetable for the merits phase set out in Annex A hereto. In accordance with Section 14.1 of PO1, should any party require any variation to this procedural timetable in the course of the proceeding, it shall make an application to the Tribunal setting out the good cause for any such application.



Dr. Gaëtan Verhoosel
On behalf of the Tribunal
Date: 2 October 2019

Annex A
Procedural Timetable for the Merits Phase

Submission	Party	Term	Due Date
Memorial on the Merits	Claimants	26 weeks from the date of Procedural Order No. 8	31 March 2020
Counter-Memorial on the Merits	Respondent	26.5 weeks from the due date of Memorial on the Merits	2 October 2020
Requests for Production of Documents	Claimants and Respondent	4 weeks from the due date of Counter-Memorial on the Merits	30 October 2020
Production of non-objected documents and Objections to Requests for Production of Documents (if any)	Claimants and Respondent	4 weeks from the due date of Requests for Production of Documents	27 November 2020
Reply to Objections to Requests for Production	Claimants and Respondent	3 weeks from the due date of Production of non-objected documents and Objections to Requests for Production of Documents	18 December 2020
Decision on Requests for Production of Documents	Tribunal	4 weeks from the due date of Reply to Objections to Requests for Production	15 January 2021
Simultaneous Production of Documents Ordered by the Tribunal	Claimants and Respondent	4 weeks from the due date of Decision on Requests for Production of Documents	12 February 2021
Reply on the Merits	Claimants	10 weeks from the Production of Documents Ordered by the Tribunal	23 April 2021
Rejoinder on the Merits	Respondent	10 weeks from the due date of the Reply on the Merits	2 July 2021

1128 Submissions	Non-disputing NAFTA Parties	2 weeks from the due date of the Rejoinder on the Merits	16 July 2021
Comments to 1128 Submissions	Claimants and Respondent	2 weeks from the due date of the 1128 Submissions	30 July 2021
Witness Notifications (if necessary)	Claimants and Respondent	2 week from the due date of comments on 1128 Submissions	13 August 2021
Pre-Hearing Organizational Meeting (if necessary)	Tribunal, Claimants, and Respondent	1 week from the due date of Witness Notifications	20 August 2021
Hearing on the Merits	Tribunal, Claimants, and Respondent	At least 3 weeks from the date of the Pre-Hearing Organizational Meeting	1-12 November 2021 (provisionally reserved by the Tribunal and to be adjusted as appropriate in the course of the proceeding)
Post-hearing briefs	Claimants and Respondent	[Need and timing TBD]	