

**ANNEX B**

***The Carlyle Group and others v. Morocco***  
**ICSID Case No. ARB/18/29**

This Annex A covers four scenarios for Procedural Timetables under Procedural Order No. 1.

**SCENARIO 1**

The following timetable shall apply in the event that Respondent does not raise any objections to the jurisdiction.

Date / Time Period	Party / Tribunal	Action / Submission
<b>First round of written submissions</b>		
July 31, 2019	Claimants	Memorial on the merits
October 1, 2019 [+ 2 months from Memorial on the merits]	Respondent	Notification that bifurcation is <b>NOT</b> requested
January 31, 2020 [+ 6 months from Memorial on the merits]	Respondent	Counter-memorial on the merits
<b>Document production phase (if requested)</b>		
March 2, 2020 [+1 month from Counter-memorial on the merits]	Claimants & Respondent	DPS Requests
April 2, 2020 [+1 month from DPS Requests]	Claimants & Respondent	Objections to the DPS Requests
May 4, 2020 [+1 month from Objections to the DPS Requests]	Claimants & Respondent	Reply to objections to the DPS Requests

Date / Time Period	Party / Tribunal	Action / Submission
May 18, 2020 [+2 weeks from Reply to objections to the request for production of documents]	Claimants & Respondent	Submission of the final DPS schedule
June 8, 2020 [+3 weeks from submission of the final DPS schedule]	Tribunal	Decision on DPS Requests
July 20, 2020 [+6 weeks from Decision on DPS Requests]	Claimants & Respondent	Production of documents (both pursuant to Tribunal's order, and uncontested) and submission of affidavits
<b>Third-party submissions (if any)</b>		
On or before May 29, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Reply]	United States of America	Deadline for non-disputing Party submissions under Art. 10.19(2) of the Treaty
On or before May 29, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Reply]	<i>Amicus curiae</i> petitioners	Deadline for any <i>amicus curiae</i> submissions under Arts. 10.19(3) of the Treaty
June 12, 2020 [+2 weeks after the deadline for any <i>amicus curiae</i> submissions]	Claimants & Respondent	Comments on admissibility of petitions to submit <i>amicus curiae</i>
July 3, 2020 [+3 weeks after submission of the comments on admissibility]	Tribunal	Decision on admissibility of <i>amicus curiae</i> petitions
<b>Second round of written submissions</b>		
TBD	All	Telephone conference, if appropriate (or required), regarding the place of the hearing
August 24, 2020 / July 31, 2020 [+5 weeks from production of documents or + 6 months from Counter-memorial, if there is no document production]	Claimants	Reply on the merits

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
January 25, 2021 / December 31, 2020 [+ 5 months from Reply]	Respondent	Rejoinder on the merits
<b>Hearing</b>		
TBD	Claimants & Respondent	Witness notification
TBD	Claimants, Respondent, and United States of America	Pre-hearing conference (and deadline for the non-disputing Party to announce oral submissions under Art. 10.19(2) of the Treaty)
TBD – February / March 2021	All	Hearing [one-week duration (with Saturday in reserve)]
(TBD by the Tribunal at the end of the hearing)	Claimants & Respondent	Post-hearing briefs (if instructed by the Tribunal)
(TBD by the Tribunal at the end of the hearing)	Claimants & Respondent	Statements on costs

**SCENARIO 2**

The following timetable shall apply in the event that Respondent raises objections to the jurisdiction but does not request bifurcation.

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
<b>First round of written submissions</b>		
July 31, 2019	Claimants	Memorial on the merits
October 1, 2019 [+ 2 months from Memorial on the merits]	Respondent	Notification that bifurcation is <b>NOT</b> requested
March 2, 2020 [+7 months from Memorial on the merits]	Respondent	Counter-memorial on the merits and Memorial on objections to jurisdiction
<b>Document production phase (if requested)</b>		
April 2, 2020 [+ 1 month from Counter-memorial on the merits]	Claimants & Respondent	DPS Requests
May 4, 2020 [+1 month from DPS Requests]	Claimants & Respondent	Objections to the DPS Requests
June 4, 2020 [+1 month from Objections to the DPS Requests]	Claimants & Respondent	Reply to objections to the DPS Requests
June 18, 2020 [+2 weeks from Reply to objections to the request for production of documents]	Claimants & Respondent	Submission of the final DPS schedule
July 9, 2020 [+3 weeks from submission of the final DPS schedule]	Tribunal	Decision on DPS Requests
August 20, 2020 [+6 weeks from Decision on DPS Requests]	Claimants & Respondent	Production of documents (both pursuant to Tribunal's order, and uncontested) and submission of affidavits

Date / Time Period	Party / Tribunal	Action / Submission
<b>Third-party submissions (if any)</b>		
July 2, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Statement of Reply]	United States of America	Deadline for non-disputing Party submissions under Art. 10.19(2) of the Treaty
July 2, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Statement of Reply]	<i>Amicus curiae</i> petitioners	Deadline for any <i>amicus curiae</i> submissions under Arts. 10.19(3) of the Treaty
July 16, 2020 [+2 weeks after the deadline for any <i>amicus curiae</i> submissions]	Claimants & Respondent	Comments on admissibility of petitions to submit <i>amicus curiae</i>
August 6, 2020 [+3 weeks after submission of the comments on admissibility]	Tribunal	Decision on admissibility of <i>amicus curiae</i> petitions
<b>Second round of written submissions</b>		
TBD	All	Telephone conference, if appropriate (or required), regarding the place of the hearing
September 24, 2020 / September 2, 2020  [+ 5 weeks from production of documents or + 6 months from Counter-memorial, if there is no document production]	Claimants	Reply on the merits and Counter-memorial on objections to jurisdiction
March 24, 2021 / March 2, 2021 [+ 6 months from Reply on the merits]	Respondent	Rejoinder on the merits and Reply on objections to jurisdiction
July 8, 2021 / June 16, 2021 [+ 3.5 months from Rejoinder]	Claimants	Rejoinder on objections to jurisdiction
<b>Hearing</b>		
TBD	Claimants & Respondent	Witness notification
TBD	Claimants, Respondent, and United States of America	Pre-hearing conference (and deadline for the non-disputing Party to announce oral submissions under Art. 10.19(2) of the Treaty)

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
TBD – September 2021	All	Hearing [one-week duration (with Saturday in reserve)]
(TBD by the Tribunal at the end of the hearing)	Claimants & Respondent	Post-hearing briefs (if instructed by the Tribunal)
(TBD by the Tribunal at the end of the hearing)	Claimants & Respondent	Statements on costs

**SCENARIO 3**

The following timetable shall apply in the event that Respondent raises objections to jurisdiction, requests a bifurcation, and the Tribunal bifurcates the procedure.

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
July 31, 2019	Claimants	Memorial on the merits
October 11, 2019 [+ 2 months and 11 days from Memorial on the merits]	Respondent	Request for bifurcation together with a Summary on Preliminary Objections
November 20, 2019 [+ 1 month and 9 days from Request for bifurcation]	Claimants	Observations on request for bifurcation
January 20, 2020 [+2 months from the Observations on request for bifurcation]	Tribunal	Decision <b>granting</b> bifurcation
TBD	All	Telephone conference, if appropriate (or required), regarding the place of the hearing
<b>JURISDICTIONAL PHASE</b>		
March 20, 2020 [+ 2 months from Decision granting bifurcation]	Respondent	Memorial on objections to jurisdiction
May 20, 2020 [+ 2 months from Memorial on objections to jurisdiction]	Claimants	Counter-memorial on objections to jurisdiction
<b>Second round of written submissions on jurisdiction</b>		
July 20, 2020 [+2 months from Counter-memorial]	Respondent	Reply on objections to jurisdiction
September 21, 2020 [+2 months from Reply on objections to jurisdiction]	Claimants	Rejoinder on objections to jurisdiction
<b>Hearing on jurisdiction</b>		

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
TBD	Claimants & Respondent	Witness notification
TBD	Claimants, Respondent, and United States of America	Pre-hearing conference (and deadline for the non-disputing Party to announce oral submissions under Art. 10.19(2) of the Treaty)
TBD – December 2020 / January 2021	All	Hearing on jurisdiction [3 days reserved, the exact dates TBD]
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Post-hearing briefs (if instructed by the Tribunal)
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Statements on costs
TBD [+4 months from Statements on costs]	Tribunal	Decision or award on jurisdiction
<b>If the Tribunal has jurisdiction, then the MERITS PHASE will proceed as follows:</b>		
TBD [+5 months from Decision on jurisdiction]	Respondent	Counter-memorial on the merits
<b>Document production phase (if requested)</b>		
TBD [+ 1 month from Counter-memorial on the merits]	Claimants & Respondent	DPS Requests
TBD [+1 month from DPS Requests]	Claimants & Respondent	Objections to the DPS Requests
TBD [+1 month from Objections to the DPS Requests]	Claimants & Respondent	Reply to objections to the DPS Requests
TBD [+2 weeks from Reply to objections to the request for production of documents]	Claimants & Respondent	Submission of the final DPS schedule

Date / Time Period	Party / Tribunal	Action / Submission
TBD [+3 weeks from submission of the final DPS schedule]	Tribunal	Decision on DPS Requests
TBD [+6 weeks from Decision on DPS Requests]	Claimants & Respondent	Production of documents (both pursuant to Tribunal's order, and uncontested) and submission of affidavits
<b>Third-party submissions (if any)</b>		
TBD [At any time during the arbitration, but not later than two months before the Claimants' Reply]	United States of America	Deadline for non-disputing Party submissions under Art. 10.19(2) of the Treaty
TBD [At any time during the arbitration, but not later than two months before the Claimants' Reply]	<i>Amicus curiae</i> petitioners	Deadline for any <i>amicus curiae</i> submissions under Arts. 10.19(3) of the Treaty
TBD [+2 weeks after the deadline for any <i>amicus curiae</i> submissions]	Claimants & Respondent	Comments on admissibility of petitions to submit <i>amicus curiae</i>
TBD [+3 weeks after submission of the comments on admissibility]	Tribunal	Decision on admissibility of <i>amicus curiae</i> petitions
<b>Second round of written submissions</b>		
TBD [+ 5 weeks from production of documents ordered by the Tribunal or + 6 months from Counter-memorial, if there is no document production]	Claimants	Reply on the merits
TBD [+5 months from Reply]	Respondent	Rejoinder on the merits
<b>Hearing on the merits</b>		
TBD	Claimants & Respondent	Witness notification

Date / Time Period	Party / Tribunal	Action / Submission
TBD	Claimants, Respondent, and United States of America	Pre-hearing conference (and deadline for the non-disputing Party to announce oral submissions under Art. 10.19(2) of the Treaty)
TBD	All	Hearing on the merits [exact dates and duration TBD]
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Post-hearing briefs (if instructed by the Tribunal)
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Statements on costs

**SCENARIO 4**

The following timetable shall apply in the event that Respondent raises objections to jurisdiction in response to the Memorial on the merits, requests a bifurcation, and the Tribunal denies it.

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
July 31, 2019	Claimants	Memorial on the merits
October 11, 2019 [+ 2 months and 11 days from Memorial on the merits]	Respondent	Request for bifurcation together with a Summary on Preliminary Objections
November 20, 2019 [+ 1 month and 9 days from Request for bifurcation]	Claimants	Observations on request for bifurcation
January 20, 2020 [+ 2 months approx. from the Observations on request for bifurcation]	Tribunal	Decision <b>denying</b> bifurcation
June 22, 2020 [+ 5 months from Decision denying bifurcation]	Respondent	Counter-memorial on the merits and Memorial on objections to jurisdiction
<b>Document production phase (if requested)</b>		
July 22, 2020 [+ 1 month from Counter-memorial on the merits]	Claimants & Respondent	DPS Requests
August 24, 2020 [+1 month from DPS Requests <sup>1</sup> ]	Claimants & Respondent	Objections to the DPS Requests
September 24, 2020 [+1 month from Objections to the DPS Requests]	Claimants & Respondent	Reply to objections to the DPS Requests
October 8, 2020 [+2 weeks from Reply to objections to the request for production of documents]	Claimants & Respondent	Submission of the final DPS schedule

Date / Time Period	Party / Tribunal	Action / Submission
October 29, 2020 [+3 weeks from submission of the final DPS schedule]	Tribunal	Decision on DPS Requests
December 10, 2020 [+6 weeks from Decision on DPS Requests]	Claimants & Respondent	Production of documents (both pursuant to Tribunal's order, and uncontested) and submission of affidavits
<b>Third-party submissions (if any)</b>		
October 22, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Reply]	United States of America	Deadline for non-disputing Party submissions under Art. 10.19(2) of the Treaty
October 22, 2020 [At any time during the arbitration, but not later than two months before the Claimants' Reply]	<i>Amicus curiae</i> petitioners	Deadline for any <i>amicus curiae</i> submissions under Arts. 10.19(3) of the Treaty
November 5, 2020 [+2 weeks after the deadline for any <i>amicus curiae</i> submissions]	Claimants & Respondent	Comments on admissibility of petitions to submit <i>amicus curiae</i>
November 26, 2020 [+3 weeks after submission of the comments on admissibility]	Tribunal	Decision on admissibility of <i>amicus curiae</i> petitions
<b>Second round of written submissions</b>		
TBD	All	Telephone conference, if appropriate (or required), regarding the place of the hearing
January 14, 2021 / December 22, 2020 [+5 weeks from production of documents or + 6 months from Counter-memorial, if there is no document production]	Claimants	Reply on the merits and Counter-memorial on objections
June 14, 2021 / May 24, 2021 [+ 5 months from Reply on the merits and Counter-memorial on objections]	Respondent	Rejoinder on the merits and Reply on objections to jurisdiction

<b>Date / Time Period</b>	<b>Party / Tribunal</b>	<b>Action / Submission</b>
October 1, 2021 / September 10, 2021 [+ 3.5 months from Rejoinder on the merits and Reply on objections to jurisdiction]	Claimants	Rejoinder on objections to jurisdiction
<b>Hearing</b>		
TBD	Claimants & Respondent	Witness notification
TBD	Claimants, Respondent, and United States of America	Pre-hearing conference (and deadline for the non-disputing Party to announce oral submissions under Art. 10.19(2) of the Treaty)
TBD – November/December 2021	All	Hearing [one-week duration (with Saturday in reserve)]
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Post-hearing briefs (if instructed by the Tribunal)
(TBD by the Tribunal at the end of the Hearing)	Claimants & Respondent	Statements on costs