

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Raymond Charles Eyre and Montrose Development (Private) Limited

v.

Democratic Socialist Republic of Sri Lanka

(ICSID Case No. ARB/16/25)

PROCEDURAL ORDER NO. 4

Members of the Tribunal

Prof. Lucy Reed, President of the Tribunal

Prof. Julian D.M. Lew, Q.C., Arbitrator

Prof. Brigitte Stern, Arbitrator

Secretary of the Tribunal

Ms. Geraldine R. Fischer

Date: September 24, 2018

Procedural Order No. 4

1. The Tribunal members have reviewed (1) the Claimants' Application, embedded in their 6 September 2018 Rejoinder, to exclude three allegedly new jurisdictional objections raised by the Respondent; (2) the Respondent's opposition to the Claimants' Application by letter dated 18 September 2018; and (3) the Respondent's Application of 18 September 2018 to adduce two new legal authorities (*RTS Ltd v Molkerei* [2010] UKSC 14 and *Crabbe v Townsend* [2016] EWHC 2450) and one new exhibit (certain ACRA guidance), and to make one additional document disclosure request for "documents containing and/or evidencing any discussion and/or negotiation concerning the terms of the MOU and any alleged developments and/or changes in those terms, subsequent to the signature of that document."
2. Having deliberated, the Tribunal **orders** as follows:
 - a. The Claimants' Application is **denied**, in light of their having requested and received a two-week extension in order to address the allegedly new jurisdictional objections in their Rejoinder. For the avoidance of doubt, the Parties are free to make substantive submissions on the relevant three jurisdictional objections at the hearing scheduled for 17-19 October 2018.
 - b. The Respondent's requests in its Application to adduce two new legal authorities and one new exhibit are **granted**. The Tribunal anticipates that the Claimants will address these materials at the hearing.
 - c. The Claimants are invited to respond by Thursday **27 September 2018** to the Respondent's request in its Application to make the additional document disclosure request. The Tribunal will rule promptly thereafter.

On behalf of the Tribunal,

[signed]

Professor Lucy Reed
President of the Tribunal
Date: September 24, 2018