

ICSID Case No. ARB/07/05

Giovanna a Beccara and others v. The Argentine Republic

Annex A to Procedural Order No. 1

**A. Arbitral Tribunal's Ruling on Claimants' Requests for Production of Documents**

| <b>Claimants' Request No.</b> | <b>Suggested Tribunal's Decision</b>    | <b>Comment</b>                                                                    |
|-------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------|
| 1-a                           | Denied (lack of relevance).             | Respondent does not dispute that it issued debt in compliance with Argentine law. |
| 1-b                           | Denied (lack of relevance).             | Respondent does not dispute that it issued debt in compliance with Argentine law. |
| 2-a                           | Denied (undue burden).                  |                                                                                   |
| 2-b                           | Denied (undue burden).                  |                                                                                   |
| 2-c                           | Granted.                                | Respondent disputes that its bond issues were directed at Italian retail market.  |
| 2-d                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-e                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-f                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-g                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-h                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-i                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-j                           | Denied (undue burden and overly broad). |                                                                                   |
| 2-k                           | Granted.                                | Respondent disputes that its bond issues were directed at Italian retail market.  |
| 2-l                           | Granted.                                | Respondent disputes that its bond issues were directed at Italian retail market.  |

| <b>Claimants' Request No.</b> | <b>Suggested Tribunal's Decision</b>                                                                                 | <b>Comment</b>                                                                                      |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 2-m                           | Denied (undue burden and overly broad).                                                                              |                                                                                                     |
| 2-n                           | Denied (undue burden and overly broad).                                                                              |                                                                                                     |
| 2-o                           | Denied (undue burden and overly broad).                                                                              |                                                                                                     |
| 3-a                           | Granted as offered by Respondent but not limited to the extent that Claimants identify exchanges with non-TFA banks. | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 3-b                           | Granted as offered by Respondent.                                                                                    |                                                                                                     |
| 3-c                           | Granted as offered by Respondent.                                                                                    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 3-d                           | Granted as offered by Respondent.                                                                                    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 3-e                           | Granted as offered by Respondent.                                                                                    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 4.                            | Granted as offered by Respondent.                                                                                    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 5.                            | Granted as offered by Respondent.                                                                                    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant. |
| 6.                            | Granted as offered by Respondent.                                                                                    |                                                                                                     |
| 7-a                           | Denied (vague and undue burden)                                                                                      |                                                                                                     |
| 7-b                           | Granted as offered by Respondent.                                                                                    |                                                                                                     |
| 7-c                           | Granted as offered by Respondent.                                                                                    |                                                                                                     |
| 7-d                           | Denied (vague)                                                                                                       |                                                                                                     |
| 7-e                           | Denied (undue burden).                                                                                               |                                                                                                     |

| <b>Claimants' Request No.</b> | <b>Suggested Tribunal's Decision</b> | <b>Comment</b>                                                                                                                             |
|-------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 8.                            | Granted as offered by Respondent.    |                                                                                                                                            |
| 9-a thru 9-ff.                | Granted as offered by Respondent.    | Whether, according to Respondent, already in TFA's possession, custody or control, is not relevant.                                        |
| 10-a                          | Denied (lack of relevance).          | Respondent does not contest that the 2001 moratorium treated all persons holding bonds or security entitlements in the same manner.        |
| 10-b                          | Denied (lack of relevance).          | Respondent does not contest that the 2005 Exchange Offer treated all persons holding bonds or security entitlements in the same manner.    |
| 10-c                          | Denied (lack of relevance).          | Respondent does not contest that the GGL conversion program treated all persons holding bonds or security entitlements in the same manner. |
| 10-d                          | Denied (lack of relevance).          | Respondent does not contest that the Cram Down Law treated all persons holding bonds or security entitlements in the same manner.          |
| 11. thru 17.                  | Denied (lack of relevance).          |                                                                                                                                            |

**B. Arbitral Tribunal's Ruling on Respondent's Requests for Production of Documents**

| <b>Respondent's Request No.</b> | <b>Suggested Tribunal's Decision</b>                                                            | <b>Comment</b>                                                          |
|---------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1.                              | Granted as offered by Claimants.                                                                |                                                                         |
| 2.                              | Denied (not in possession, custody or control of Claimants).                                    |                                                                         |
| 3.                              | Denied (not in possession, custody or control of Claimants).                                    |                                                                         |
| 4.                              | Granted as offered by Claimants.                                                                |                                                                         |
| 5. thru 9.                      | Denied (not in possession, custody or control of Claimants).                                    |                                                                         |
| 10.                             | Denied (privileged).                                                                            | Privilege log not appropriate in relation to attorney-client privilege. |
| 11.                             | Denied (privileged, lack of relevance, and not in possession, custody or control of Claimants). | Privilege log not appropriate in relation to attorney-client privilege. |
| 12. thru 14.                    | Denied (lack of relevance and not in possession, custody or control of Claimants).              |                                                                         |
| 15.                             | Granted as offered by Claimants.                                                                |                                                                         |
| 16.                             | Denied (lack of relevance and not in possession, custody or control of Claimants).              |                                                                         |