

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

In the Matter of the Arbitration between

RAILROAD DEVELOPMENT CORPORATION
Claimant

and

REPUBLIC OF GUATEMALA
Respondent

ICSID CASE No. ARB/07/23

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PROCEDURAL ORDER No. 6
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MEMBERS OF THE TRIBUNAL

Dr. Andrés Rigo Sureda, President
Honorable Stuart E. Eizenstat, Arbitrator
Professor James Crawford, Arbitrator

SECRETARY OF THE TRIBUNAL

Ms. Natalí Sequeira

DATE: June 7, 2010

RDC v. Guatemala
Procedural Order No. 6

Considering that:

1. The Tribunal has overruled Respondent's objections to its jurisdiction in the Second Decision on Objections to Jurisdiction of May 18, 2010.
2. ICSID Arbitration Rule 41(4) provides that, if the Tribunal overrules the objections, it "shall once more fix time limits for the further procedures."
3. Procedural Order No. 2 established, after consultation with the Parties, the procedure and time limits for exchange of document requests and the time limits for the Counter-Memorial, the Reply and the Rejoinder.
4. On May 8, 2009, the Tribunal fixed a new schedule with the agreement of the parties and, as requested by Claimant, extended the time limit to file the Memorial on the Merits by 30 days.
5. The modified schedule only reflected changes in the calendar for the filing of memorials resulting from such 30-day extension but did not change the number of days allowed for each submission. Thus it fixed the time limit to file the Counter-Memorial on the Merits 140 days after the filing of the Memorial on the Merits as set forth in Procedural Order No. 2
6. On May 19, 2010, the Tribunal invited the parties to comment on a draft of this order not later than May 26, 2010.
7. On May 26, 2010, the Tribunal received the parties' diverging views on the time limits to file the Counter-Memorial on the Merits and the time limits applicable to document discovery.

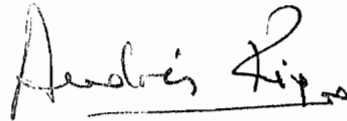
Therefore,

The Tribunal has decided:

1. To order the continuation of the proceeding.
2. To confirm the procedures and time limits for exchange document requests and the number of days allowed for submission of memorials set forth in Procedural Order No. 2. Therefore,
 - (a) Respondent shall file its Counter-Memorial on the Merits not later than October 5, 2010 (140 days after the date of the Second Decision on Objections to Jurisdiction).
 - (b) the Parties shall:
 - (i) exchange document requests no later than four weeks after the submission of Respondent's Counter-Memorial,
 - (ii) exchange, for each document requested, statements of agreement to provide the documents requested or specific objections no later than two weeks after the date of the exchange of requests to produce documents,
 - (iii) simultaneously produce documents to which no objection has been made no later than four weeks from receipt of the statements of agreement to produce them, and
 - (iv) in case the Parties are unable to resolve objections to the production of documents, either Party may, not later than a week after the exchange of documents, request that the Tribunal order the production of those documents.
 - (c) Claimant shall present its Reply no later than eight weeks from the deadline set by the Tribunal for any remaining production of documents, or, if the Tribunal orders no further document production, Claimant shall present its Reply eight weeks from such decision.

(d) Respondent shall present its Rejoinder no later than twelve weeks after the submission of Claimant's Reply.

On behalf of the Arbitral Tribunal

A handwritten signature in black ink, appearing to read "Andrés Rigo Sureda". The signature is written in a cursive style with a horizontal line underneath the name.

Andrés Rigo Sureda
President