

**IN THE MATTER OF AN ARBITRATION  
BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH  
THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE  
UNITED STATES OF AMERICA, DATED 30 JUNE 2007**

**- and -**

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION  
ON INTERNATIONAL TRADE LAW, 1976**

**PCA CASE N° 2018-55**

**-between-**

- 1. MASON CAPITAL, L.P. (U.S.A.)**
- 2. MASON MANAGEMENT LLC (U.S.A.)**  
**(the “Claimants”)**

**-and-**

**REPUBLIC OF KOREA**  
**(the “Respondent,” and together with the Claimants, the “Parties”)**

---

**PROCEDURAL ORDER NO. 9**

---

**The Arbitral Tribunal**

Professor Dr. Klaus Sachs (Presiding Arbitrator)

The Rt. Hon. Dame Elizabeth Gloster

Professor Pierre Mayer

**Registry**

Permanent Court of Arbitration

**14 September 2021**

**WHEREAS** on 12 March 2020, the Tribunal issued Procedural Order No. 4 establishing the Procedural Calendar for the current phase of the proceedings and setting hearing dates in October 2021;

**WHEREAS** on 21 April 2021, the Tribunal issued Procedural Order No. 7 revising the Procedural Calendar as agreed by the Parties, including, *inter alia*, that the Tribunal would hold in reserve hearing dates from 19 to 26 March 2022 and that, after having consulted with the Parties, it would decide by 13 August 2021 whether the hearing would proceed in October 2021;

**WHEREAS** on 9 and 11 August 2021, the Claimants and the Respondent respectively requested the Tribunal to release the hearing dates in October 2021 due to the on-going travel restrictions and submitted their outstanding disagreements regarding the hearing for the Tribunal's decision;

**WHEREAS** on 13 August 2021, the Tribunal informed the Parties of its decision regarding the hearing dates:

1. In light of the Parties' agreement, the October 2021 hearing dates shall be vacated. The hearing shall instead take place from 19 to 26 March 2022 in accordance with Procedural Order No. 7;
2. The Parties are invited to confer with each other regarding the hearing logistics and inform the Tribunal of the outcome of their discussions by Monday, 10 January 2022; and
3. The Tribunal notes the Parties' joint preference to hold the hearing in-person in New York. In their discussions, the Parties are however asked to consider alternative hearing venues should travel to New York remain restricted in January 2022.

**WHEREAS** on 16 August 2021, the Tribunal issued Procedural Order No. 8 recording the decision set out in its letter of 13 August 2021;

**WHEREAS** on 8 September 2021, the Parties jointly requested that the Tribunal agree to the following proposed amendments to the next procedural steps in the proceedings:

1. Respondent to submit Korean translations of the Rejoinder and its accompanying materials (in accordance with paragraph 8.6 of the Terms of Appointment) by 1 October 2021 (from 10 September 2021);
2. Claimants to submit their Statement of Rejoinder on Objections to Jurisdiction by 6 October 2021 (from 15 September 2021).

**WHEREAS** in the same letter, the Parties also asked the Tribunal to confirm that, given the release of the October hearing dates by way of Procedural Order No. 8, the other pre-hearing steps envisaged in Procedural Order No. 7 (that is, the nomination of witnesses and experts to be cross-examined and the pre-hearing conference) are also released, to be re-programmed further to the Parties' discussions in January 2022.

**WHEREAS** on 10 September 2021, the Tribunal agreed to the Parties' proposed amendments to the next procedural steps and confirmed that the other pre-hearing steps envisaged in Procedural Order No. 7 (that is, the nomination of witnesses and experts to be cross-examined and the pre-hearing conference) are also released;

**THE TRIBUNAL HEREBY ORDERS:**

As agreed by the Parties, the Procedural Calendar is revised as follows:

Statement of Rejoinder on Objections to Jurisdiction	Wednesday, 6 October 2021
Notification of witnesses and experts to be cross-examined	TBD
Pre-Hearing Conference	TBD
Hearing	Saturday until the following Saturday, 19-26 March 2022

As agreed by the Parties, the Respondent shall submit Korean translations of the Rejoinder and its accompanying materials (in accordance with paragraph 8.6 of the Terms of Appointment) by 1 October 2021 (from 10 September 2021).

New dates for the notification of witnesses and experts to be cross-examined at the hearing and the pre-hearing conference will be set in consultation with the Parties following their discussions in January 2022.

**Place of arbitration (legal seat):** Singapore



---

Professor Dr. Klaus Sachs  
(Presiding Arbitrator)

On behalf of the Tribunal