

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Almaden Minerals Ltd. and Almadex Minerals Ltd.

v.

United Mexican States

(ICSID Case No. ARB/24/23)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Prof. Luca G. Radicati di Brozolo, President of the Tribunal
Mr. Oscar M. Garibaldi, Arbitrator
Prof. Jorge E. Viñuales, Arbitrator

Secretary of the Tribunal

Ms. Anneliese Fleckenstein

Assistant to the Tribunal

Ms. Valeria Fasciani

November 27, 2024

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Introduction

The first session of the Tribunal was held on November 20, 2024, at 10:00 a.m. (Eastern Time), by video conference via Zoom. The session was adjourned at 1:10 p.m.

A recording of the session was made and deposited in the archives of ICSID. The recording was distributed to the Members of the Tribunal and the Parties.

Participating in the conference were:

Members of the Tribunal:

Prof. Luca G. Radicati di Brozolo, President of the Tribunal
Mr. Oscar M. Garibaldi, Arbitrator
Prof. Jorge E. Viñuales, Arbitrator

Assistant to the Tribunal:

Ms. Valeria Fasciani

ICSID Secretariat:

Ms. Anneliese Fleckenstein, Secretary of the Tribunal
Mr. Federico Salon-Kajganich, Paralegal

On behalf of the Claimants:

Mr. Timothy L. Foden, Boies Schiller Flexner (UK) LLP
Ms. Rebecca Mee, Boies Schiller Flexner (UK) LLP
Ms. Kristen M. Young, Boies Schiller Flexner LLP
Mr. Blake Atherton, Boies Schiller Flexner LLP
Mr. Nicolas Caballero Hernandez, Boies Schiller Flexner LLP

On behalf of the Respondent:

Mr. Alan Bonfiglio Rios, Secretaría de Economía
Ms. Rosalinda Toxqui Tlaxcalteca, Secretaría de Economía
Mr. Rafael Rodríguez Maldonado, Secretaría de Economía
Ms. Laura Mejía Hernández, Secretaría de Economía
Ms. Mariah Karla Arreola Alcántara, Secretaría de Economía
Ms. María Daniela Parra Hernández, Secretaría de Economía
Ms. Paulina Jazmín Rodríguez Cruz, Secretaría de Economía
Ms. Marisela Vázquez Estrada, Secretaría de Economía
Mr. Stephan Becker, Pillsbury Winthrop Shaw Pittman, LLP
Mr. Gary Shaw, Pillsbury Winthrop Shaw Pittman, LLP
Ms. Carolina Plaza, Pillsbury Winthrop Shaw Pittman, LLP

Interpreters:

Ms. Silvia Colla, English-Spanish Interpreter
Mr. Charles Roberts, English-Spanish Interpreter

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Technical Support:

Mr. Dale Abbott, Sparq, Inc.

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1 circulated by the Tribunal Secretary on October 15, 2024; and
- The Parties' comments on the Draft Procedural Order received on October 31, 2024, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the Parties' views, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration. The procedural calendar is attached as **Annex B**.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 1

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of July 1, 2022, except to the extent that they are modified by Chapter 9, Section B of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership ("CPTPP").

2. Constitution of the Tribunal and Tribunal Members' Declarations

Arbitration Rule 21

- 2.1. The Tribunal was constituted on October 3, 2024, in accordance with the ICSID Convention and the ICSID Arbitration Rules. In accordance with CPTPP Article 9.22(4), the Parties confirmed that the Tribunal was properly constituted and that no party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the Parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on August 19 and October 3, 2024.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case and that they will use best efforts to meet

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all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

- 2.4. The Members of the Tribunal confirmed that they are and shall remain impartial and independent of the Parties. Each of the Members of the Tribunal confirmed that he has disclosed, to the best of his knowledge and after due inquiry, all circumstances likely to give rise to justifiable doubts as to his impartiality or independence and that he will, without delay, disclose any such circumstances that may arise in the future.

3. Fees and Expenses of Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.
- 3.2. Each Tribunal Member and the Assistant of the Tribunal shall submit her or his claims for fees and expenses to the ICSID Secretariat on a quarterly basis.
- 3.3. Non-refundable expenses incurred in connection with a hearing as a result of a postponement or cancellation of the hearing shall be reimbursed.
- 3.4. The parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.

4. Presence and Quorum

Arbitration Rule 33

- 4.1. The participation of all the members of the Tribunal by any appropriate means of communications is required at the case management conferences, hearings and deliberations, except as otherwise provided in the Arbitration Rules or unless the Parties agree otherwise.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

- 5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.
- 5.2. Orders, decisions and the Award may be made by any appropriate means of communication.

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- 5.3. Orders, decisions and the Award may be signed electronically.
- 5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.
- 5.5. When the matter is urgent and one or the two party-appointed arbitrators cannot be consulted, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal.
- 5.6. The Tribunal's orders and decisions shall indicate the reasons upon which they are made and shall be issued after hearing the Parties. The reasons may be minimal for non-controversial or minor procedural, administrative and organizational matters, *e.g.*, extensions of time.
- 5.7. Subject to CPTPP Article 9.23.10, the Tribunal will use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2). If an award has not been issued six months after the final submissions, the Tribunal will provide quarterly updates to the Parties.
- 5.8. Any ruling of the Tribunal, including the certified copy of the Award, will be dispatched electronically to the Parties. The certified copy of the Award will be sent via *courier* to the address designated by each Party and will have the same validity.

6. Power to Fix Time Limits
Arbitration Rules 10 and 11

- 6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3), in accordance with Arbitration Rules 10(3) and 11(4).
- 6.2. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the Parties as far as possible. If the matter is urgent, the President may fix time limits without consulting the Parties, subject to possible reconsideration of such decision by the full Tribunal.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

- 7.1. The Tribunal Secretary is Ms. Anneliese Fleckenstein, Senior Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Anneliese Fleckenstein
ICSID
MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: + 1 (202) 458-2426
Fax: + 1 (202) 522-2615
Email: afleckenstein@worldbank.org
Paralegal name: Federico Salon-Kajganich
Paralegal email: fsalonkajganich@worldbank.org
ICSID case address: ARB/24/23@icsidcases.worldbank.org

- 7.3. For local messenger deliveries, the contact details are:

Anneliese Fleckenstein
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Assistant to Tribunal

- 8.1. By communication of October 15, 2024, the Tribunal Secretary informed the Parties that the Tribunal considered that it would benefit the overall cost and time efficiency of the proceedings if the Tribunal had an assistant. The President proposed, with the approval of the other members of the Tribunal, that Ms. Valeria Fasciani of Arblit be appointed as assistant to the Tribunal. Ms. Valeria Fasciani's *curriculum vitae* was distributed to the Parties.
- 8.2. The Tribunal Secretary further explained that the assistant would (i) undertake only such specific tasks as are assigned to her by the Tribunal, such as the marshaling of

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evidence, research of specific issues of law and organization of case documents; (ii) assist the Tribunal during its deliberations; and (iii) be subject to the same confidentiality obligations as the Members of the Tribunal and sign a declaration to that effect.

- 8.3. The Parties consented to the appointment of Ms. Valeria Fasciani as Assistant to Tribunal on the terms set out in §8 by emails from the Claimants dated October 16, 2024, and from the Respondent dated October 21, 2024.
- 8.4. The Parties also agreed that the Assistant to Tribunal would receive: (i) US\$ 200 for each hour of work performed in connection with the case and expenses reimbursed as described in the Secretariat's communication of October 15, 2024.
- 8.5. On October 25th, 2024, Ms. Fasciani submitted a statement in which she confirmed that she has disclosed, to the best of her knowledge and after due inquiry, all circumstances likely to give rise to justifiable doubts as to her impartiality or independence and that she will, without delay, disclose any such circumstances that may arise in the future and that she will maintain the confidentiality of the information to which she will have access as Assistant to the Tribunal.

9. Representation of the Parties
Arbitration Rule 2

- 9.1. Each party shall be represented by its counsel (below) and may designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.
- 9.2. Following the execution of this Procedural Order, any intended change or addition to the list of legal representatives shall be notified promptly in writing to the other Party, the Tribunal, the Assistant to the Tribunal, and the Tribunal Secretary. The Tribunal may refuse designation of additional agents, counsel, or advocates if the designation would create a conflict of interest with one or more members of the Tribunal that has not been, or cannot be, waived. In determining the existence of a conflict of interest, the Tribunal may rely on the IBA Guidelines on Conflicts of Interest in International Arbitration (2024) for guidance, in particular the Non-Waivable Red List and the Waivable Red List.

For the Claimants

Mr. Timothy L. Foden
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For the Respondent

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Ms. Rosalinda Toxqui Tlaxcalteca
Ms. Laura Mejía Hernández
Ms. Mariah Karla Arreola Alcántara

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10. Apportionment of Costs and Advance Payments to ICSID – Division of Advances
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50

- 10.1. The Parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.
- 10.2. Following registration of the Request for arbitration, by letter of June 28, 2024, ICSID informed the Parties that US\$ 500,000.00 will be necessary to cover the estimated costs of the initial phase of the proceeding through the first session of the Tribunal, as well as the subsequent phase, and requested that the Claimants pay US\$ 250,000.00. ICSID received the Claimants' payment on July 18, 2024. Upon the constitution of the Tribunal, by letter of October 3, 2024, ICSID requested that the Respondent pay US\$ 250,000.00 by November 4, 2024. ICSID has not yet received the Respondent's payment.
- 10.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.
- 10.4. After the Award, the ICSID Secretariat will send the Parties a financial statement detailing the deposits received and will reimburse any balance that has not been used to the Parties.

11. Place of Proceeding and Hearings
Convention Articles 62 and 63; Arbitration Rule 32

- 11.1. Washington, D.C. shall be the place of the proceeding.
- 11.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the Parties. The method of holding a hearing will be determined in accordance with §21.2.
- 11.3. The Tribunal members may deliberate at any place and by any appropriate means they consider convenient.

12. Procedural Language(s), Translation and Interpretation
Administrative and Financial Regulation 32; Arbitration Rule 7

- 12.1. English and Spanish are the procedural languages of the arbitration.

For Documents and Communications

- 12.2. The Tribunal and the Secretariat may communicate in either procedural language.

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- 12.3. Any written requests or applications from the Parties may be filed in either procedural language without the need to translate the communications into the other language.
- 12.4. Pleadings, expert opinions, witness statements, and any other supporting documents shall be filed in either procedural language without the need to translate the communications into the other language.
- 12.5. In their submissions, the Parties may quote documents prepared in either procedural language in the original without translation.
- 12.6. Any documents in another language shall be accompanied by a translation into either procedural language, unless the Tribunal orders translation into both procedural languages. It is sufficient to translate only the relevant part of a supporting document, unless the Tribunal orders a party to provide a fuller or a complete translation.
- 12.7. Translations need not be certified, unless the translation is disputed and the Tribunal orders a party to provide a certified translation.
- 12.8. Documents exchanged between the Parties pursuant to §16 below (Production of Documents) may be produced in the original language and need not be translated.
- 12.9. The original language of any submitted document or oral statement or testimony shall prevail over the translation and if needed a corrected courtesy translation may be filed.

For Hearing

- 12.10. The Parties will notify the Tribunal as soon as possible, and no later than at the pre-hearing organizational meeting (see §19 below), which witnesses or experts require interpretation.
- 12.11. All hearings and meetings between the parties and the Tribunal will be conducted in Spanish and English with simultaneous interpretation from and into each procedural language.
- 12.12. The testimony of a witness who prefers to give evidence in a language other than in English or Spanish shall be interpreted simultaneously into either procedural language, unless the Tribunal orders interpretation into both procedural languages.
- 12.13. The costs of interpretation will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

For Tribunal's Documents Except the Award

12.14. The Tribunal may initially make any order or decision in English or Spanish and subsequently shall issue that order or decision in the other procedural language. Both versions of the order or decision shall be equally authentic.

For Tribunal's Award

12.15. The Tribunal shall render the award in English and Spanish simultaneously. Both language versions shall be equally authentic.

13. Routing of Communications

Arbitration Rule 6

13.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Tribunal.

13.2. Written communications in the case shall be transmitted by email or other electronic means to the Parties and the Tribunal Secretary, who then shall send them to the Tribunal and the Assistant to the Tribunal.

13.3. Electronic versions of communications to be filed simultaneously (by order of the Tribunal or agreement of the Parties) shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing party, the Tribunal and the Assistant to the Tribunal.

13.4. The Tribunal Secretary shall not be copied on communications between the Parties when such communications are not intended to be transmitted to the Tribunal.

13.5. In accordance with established practice, the Parties and their representatives shall not engage in any oral or written communications with any Member of the Tribunal *ex parte* about this arbitration.]

13.6. The email addresses of the Members of the Tribunal are:

Prof. Luca G. Radicati
di Brozolo
luca.radicati@arblit.com

Mr. Oscar M. Garibaldi
ogaribaldi@garibaldiarbitrator.com

Prof. Jorge E. Viñuales
jev32@cam.ac.uk

14. Number of Copies and Method of Filing of Parties' Pleadings
Arbitration Rules 4, 5 and 9

14.1. By the relevant filing date, the Parties shall:

14.1.1. submit by email to the Tribunal Secretary and the opposing Party an electronic version of the pleading with witness statements, expert reports, and an index of all supporting documentation (“**Electronic Email Filing**”).¹ In case of simultaneous submissions, each Party shall send its submission within the applicable time-limit to the Tribunal Secretary, who will then dispatch them to the Tribunal, the Assistant to the Tribunal, and to the other Party.

14.1.2. no later than three (3) business days after the relevant filing date, upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case (“**Electronic Platform Filing**”).² For the avoidance of doubt, the Electronic Platform Filing is applicable both to the original language submission and to any subsequent translations agreed by the Parties; and

14.1.3. within five (5) business days of the Electronic Email Filing send by courier bound hard copies (letter size) of all major pleadings, witness statements and expert reports (not including documents or legal authorities) to Mr. Oscar M. Garibaldi at the following address within three (3) business days of the Electronic Email Filing:

809 Wincrest Place Great Falls,
Virginia 22066-2736
United States of America

14.2. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable (*i.e.*, OCR PDF or Word). All documents should be submitted in their original form. Any spreadsheet or excel table annexed to expert reports shall be editable and all formulae visible; data used in the creation of spreadsheets and tables should indicate its source.

14.3. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the party has submitted up to the date of the pleading. The index shall indicate the document number, the pleading with which it was submitted and the language of the document, and shall follow the naming conventions contained in **Annex A**.

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² Supporting documentation shall be uploaded as individual files, not in .zip format.

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- 14.4. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so requests, the Parties shall upload to the file sharing platform, in a format that can be readily downloaded, an electronic copy of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents.³
- 14.5. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary by email.
- 14.6. A filing shall be deemed timely if sent by a Party by midnight, Mexico City time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.
- 14.7. Extensions for the submission of pleadings may be agreed between the Parties or granted by the Tribunal for justifiable reasons, provided that such extensions do not affect the dates fixed for any hearing or other meeting and that the request for an extension is submitted as soon as practicable after a party becomes aware of the circumstances which prevent it from complying with the deadline.

15. Number and Sequence of Pleadings – Procedural Calendar
Arbitration Rule 30

- 15.1. The proceedings shall consist of a written phase followed by an oral phase.
- 15.2. The number and sequence of pleadings, until the potential decision on any request for bifurcation by Respondent, and the dates on which they are to be filed shall be set out in **Annex B**. The Tribunal will issue in due course an updated Annex B addressing the following phases of the proceedings (“**Updated Annex B**”).
- 15.3. In the first exchange of submissions on a given matter (in principle Memorial and Counter-Memorial), the Parties shall set forth all the facts and legal arguments and submit all the documentary and written witness and expert evidence on which they intend to rely in support of their respective cases. Allegations of fact and legal arguments shall be presented in a detailed, specified, and comprehensive manner, and shall respond to all allegations of fact and legal arguments made by the other Party.
- 15.4. In their second exchange of submissions (in principle Reply and Rejoinder), if any, the Parties shall limit themselves to responding to fact allegations, legal arguments,

³ To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the parties shall upload the organized folder to a designated sub-folder on to the BOX filesharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

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and evidence put forward by the other Party in its preceding submission, subject to facts and documents resulting from the document production phase or new facts arising after the filing Party's last submission.

- 15.5. Following each factual allegation, the Parties shall, whenever possible, identify the evidence adduced or to be adduced in support of that allegation. Following each legal argument, the Parties shall, whenever possible, identify the legal authority adduced or to be adduced in support of that argument.
- 15.6. The Tribunal shall not be required to consider any evidence on the record that has not been specifically referred to, and the relevance of which has not been analyzed and discussed, in the written or oral submissions of the Party seeking to rely on it.

16. Production of Documents

Convention Article 43(a); Arbitration Rules 5 and 36-40

- 16.1. Requests for document production shall be made in accordance with the Tribunal's orders and the time-limits established in the Procedural Calendar and will be guided by the International Bar Association's Rules on the Taking of Evidence in International Arbitration 2020 (IBA Rules 2020). Such requests shall not be sent to the Tribunal, the Assistant to Tribunal or Tribunal Secretary.
- 16.2. The Parties will endeavor to limit the number of document production requests to a maximum of forty. For the purposes of such limit, multiple sub-requests bundled as a single request shall count as separate requests.
- 16.3. Requests for document production shall be made in the form of a modified Redfern Schedule (**Annex C**), in both Word and pdf format and contain:
 - 16.3.1. a description of each requested document sufficient to identify it, or a description in sufficient detail (including, *e.g.*, subject matter, date or range of dates and the identity of the recipients and senders to the greatest extent possible) of a narrow and specific requested category of documents that are reasonably believed to exist (in the case of documents maintained in electronic form, the requesting party may, or the Tribunal may order that it shall be required to, identify specific files, search terms, individuals or other means of searching for such documents in an efficient and economical manner);
 - 16.3.2. a statement as to how the documents requested are relevant to the case and material to its outcome;
 - 16.3.3. a statement that the documents requested are not in the possession, custody, or control of the requesting Party or a statement of the reasons why it would

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be unreasonably burdensome for the requesting party to produce such documents; and

16.3.4. a statement of the reasons why the requesting party assumes the documents requested are in the possession, custody, or control of another Party.

16.4. The Parties shall exchange requests for production, if any, simultaneously, within the time that will be determined in **Updated Annex B**.

16.5. If the requested Party does not object to the production of certain requested documents, it shall produce such documents within the time set out in **Updated Annex B**.

16.6. If the requested Party objects to production, the following procedure shall apply:

16.6.1. Each Party shall state its objections to any request within the time limit set out in **Updated Annex B**. Such responses and objections shall be recorded in row 4 of the modified Redfern Schedule (**Annex C**) provided by the requesting Party.

16.6.2. Objections to the production of a document or a category of documents shall be justified on one or more of the grounds identified in Article 9(2) of the IBA Rules.

16.6.3. Each Party shall reply to the objections referenced in § 16.6.1 within the time limit set out in **Updated Annex B**. Such responses shall be recorded in row 5 of the modified Redfern Schedule (**Annex C**) provided by the requesting Party.

16.6.4. If the Tribunal considers it necessary, the Parties and the Tribunal may hold a conference call on the Parties' objections to the requests for production. The Tribunal may also invite the Parties to consult with each other with a view to resolving the objections.

16.6.5. Where a Party objects to the production of certain documents, the Tribunal shall make its best efforts to rule on the objections within the time limit set out in **Updated Annex B**.

16.6.6. A Party shall produce the documents ordered by the Tribunal within the time limit set out in **Updated Annex B**.

16.7. The disclosure of documents under this section shall be made electronically through a file sharing platform which can be accessed by counsel to the Parties, in PDF format or some other similar format to which the Parties may later agree. On the date of the production, each Party shall provide the other Party with (i) a list of the documents that it is producing and the request number to which the document is

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- responsive; and (ii) a declaration by the Party and external counsel affirming that all relevant searches were conducted to identify and produce all responsive documents.
- 16.8. Documents exchanged in the course of this document production process shall not be copied to the Tribunal, the Tribunal Secretary, and the Assistant to the Tribunal.
- 16.9. Other requests for the production of documents sought by either Party, if any, shall be permitted only in exceptional circumstances and at the discretion of the Tribunal. The request must be substantiated with reasons.
- 16.10. The Tribunal shall have full discretion to decide on requests for production. In its decisions, the Tribunal shall be guided, but not bound by, the IBA Rules.
- 16.11. Decisions on requests for production need not be fully reasoned; they may be summarily reasoned (*e.g.* by simply referring to the fact that the request is “granted” or “denied” in all or part, followed, if appropriate, by a short explanation).
- 16.12. A request for production that has been objected to on a particular ground may be denied on another ground even if not adduced by the objecting Party. The Tribunal may in its full discretion narrow down or reformulate a request without further consultation with the Parties.
- 16.13. All requests for production shall include cross-references to the relevant sections of the submissions, witness statements or expert reports of the other Party where the requested documents or categories of documents are discussed, to facilitate the Tribunal’s assessment of their relevance and materiality.
- 16.14. Any objection that the requested documents do not exist, are not under the control of the requested Party, are not relevant or material, are covered by confidentiality or protected by privilege, or that the request is overbroad or overly burdensome should be particularized in each answer to each request. The Parties shall exert their best efforts to avoid copy-pasting boilerplate objections.
- 16.15. The Parties shall seek to agree on document production requests to the greatest extent possible, bearing in mind their duty to act in good faith in the taking of evidence and in conformity with the rules laid down by the Tribunal. Accordingly, requests for production must be narrow and specific and a Party objecting to a request on grounds that it is overbroad or excessively burdensome should indicate whether there is a narrower formulation with which it would be willing to comply. In reply, the requesting Party should likewise indicate, in addition to any comments on the other Party’s objection to its original formulation, whether it would be willing to accept a narrower formulation.

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- 16.16. A Party alleging confidentiality or privilege as a ground for not producing specific documents under a request which has been accepted by such Party or granted by the Tribunal must establish the basis for its allegation in a privilege log to be submitted to the other Party.
- 16.17. In dealing with matters of confidentiality or privilege, the Tribunal shall have the power to review the documents *in camera*, take any appropriate protective measures, such as redactions, direct that the documents be reviewed by a privilege master whose terms of appointment shall be determined by the Tribunal after hearing the Parties, or take any other measures appropriate under the circumstances.
- 16.18. When ruling on objections based on confidentiality or privilege the Tribunal shall apply the standard it considers appropriate, without the need to apply particular national law or professional rules.
- 16.19. Save in case of manifest error in the Tribunal's orders, no application for the reconsideration of an order will be entertained.
- 16.20. Should a Party fail to produce documents as ordered by the Tribunal without good cause, the Tribunal may draw adverse inferences for such failure, either on its own motion or upon a reasoned application setting out the nature of the requested inference and its consequences on the relief sought.
- 16.21. The Tribunal may at any time request the production of documents on its own motion in accordance with ICSID Arbitration Rule 36(3).
- 16.22. Documents the production of which is ordered by the Tribunal shall be communicated directly to the requesting Party without copying the Tribunal and shall not be considered as part of the evidentiary record unless and until the requesting Party subsequently introduces them in the record in accordance with the above procedural rules.
- 16.23. The Parties have a continuing obligation to produce responsive documents after the conclusion of the document production phase.

17. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 17.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 17.2. The documents shall be submitted in the manner and form set forth in § 14, above.

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- 17.3. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other Party.
- 17.3.1. Should a Party request leave to file additional or responsive documents, that Party may not annex the documents that it seeks to file to its request or transcribe their content in whole or in part.
- 17.3.2. If the Tribunal grants such an application for submission of an additional or responsive document, it shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such document.
- 17.4. Documents shall be submitted in the following form:
- 17.4.1. The number of each Exhibit containing a document produced by Claimants shall be preceded by the letter “C-” for factual exhibits and “CL-” for legal authorities, etc. The number for each Exhibit containing a document produced by Respondent shall be preceded by the letter “R-” for factual exhibits and “RL-” for legal authorities, etc.
- 17.4.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with “C-0001” and “R-0001,” and “CL-001” and “RL-001” respectively. The numbering shall also indicate the language of the document (*e.g.* C-0001-ENG for a document submitted only in English, C-0001-SPA for a document submitted only in Spanish and C-0001-ENG/SPA for a document submitted simultaneously in English and Spanish). The number of the exhibit or legal authority (i) shall appear on the first page of the document, and (ii) shall be incorporated into the file name in accordance with § 17.4.4.
- 17.4.3. A Party may produce several documents relating to the same subject matter within one Exhibit, numbering each page of such Exhibit separately and consecutively.
- 17.4.4. Electronic files and the accompanying indexes shall follow the naming conventions contained in **Annex A**.
- 17.5. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal will determine whether authentication is necessary.

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- 17.6. The Parties shall file all documents only once by submitting them with their pleadings. Documents referred to in witness statements shall not be resubmitted if referred to in the submissions.
- 17.7. The Parties may use PowerPoint slides and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, (ii) do not contain information not in the record.
- 17.8. An electronic copy of demonstrative exhibits and PowerPoint slides that a Party intends to use at the hearing shall be distributed via an electronic mail sent to the entire case email distribution for each Party, the Members of the Tribunal, the Tribunal Secretary, the Assistant to Tribunal, to the court reporter and to the interpreters at least one (1) hour prior to their intended use, unless otherwise decided at the Pre-Hearing Organizational Meeting.
- 17.9. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the Parties shall upload such demonstrative exhibit to the case folder in the BOX filesharing platform, designating each with the corresponding “CD-__” or “RD-__” number.

18. Witness Statements and Expert Reports

Convention Article 43(a); Arbitration Rule 38

- 18.1. Witness statements and expert reports shall be filed together with the Parties’ pleadings.
- 18.2. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that special circumstances exist based on a reasoned written request followed by observations from the other Party (following the procedure outlined in § 17.3).
- 18.3. Each witness statement shall be signed and dated by the witness and include all the information contemplated in Article 4(5) of the IBA Rules on the Taking of Evidence in International Arbitration.
- 18.4. Expert reports shall be accompanied by any documents or information upon which they rely unless such documents or information have already been submitted as exhibits with the Parties’ submissions, in which case reference to such exhibits shall be sufficient.
- 18.5. Experts shall disclose in their reports, or in attachments to their reports, the documents, data, and other information on which they relied in supporting their opinions.

- 18.6. Expert reports shall include a statement of independence and disclose any relationship with members of the Tribunal or the Parties and such other information as contemplated in Article 5(2) of the IBA Rules on the Taking of Evidence in International Arbitration.
- 18.7. If the expert report has been signed by more than one person, an attribution of the entirety or specific parts of the expert report to each author.

19. Examination of Witnesses and Experts

Arbitration Rule 38

- 19.1. On the date indicated in **Updated Annex B**, each Party shall submit to the opposing Party, the Tribunal, the Assistant to Tribunal and the Tribunal Secretary a request to call at the hearing for examination and cross-examination any witness or expert presented by the other Party whose written testimony has been submitted with the pleadings. Shortly after the Parties' notifications, the Tribunal will indicate any witnesses or experts not called by the Parties whom it wishes to question.
- 19.2. If a Party does not call a witness or expert proffered by the other Party for cross-examination, within one week of the Parties' notifications the Party proffering the witness or expert may file a reasoned application to the Tribunal for permission to call the witness or expert for examination. The Tribunal will rule on the application taking into account all the relevant circumstances, including whether the examination is likely to serve a valid purpose.
- 19.3. A Party that does not call a witness or expert proffered by the other Party for cross-examination shall not be deemed to have agreed to the content of the corresponding witness statement or expert report. The Tribunal will assess the weight of the written statement taking into account the entire record and all relevant circumstances.
- 19.4. If a witness or expert is unable to appear personally at a hearing for a valid cause, the Tribunal may permit alternative arrangements (such as videoconference facilities) upon consultation with the Parties.
- 19.5. If a witness or expert who has been called to testify by the Tribunal or the other Party fails without a valid reason to appear to testify at the hearing, even by videoconference, his or her testimony shall be stricken from the record unless extraordinary circumstances exist that prevent him or her from testifying in which case] the Tribunal shall assess the weight of the witness statement or expert report taking into account the entire record and all the relevant circumstances.

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- 19.6. Each Party shall be responsible for the practical arrangements, cost and availability of its own witnesses and experts. The Tribunal will decide upon the appropriate allocation of such costs in its final award.
- 19.7. The procedure for the examination of witnesses or experts shall be as follows:
- 19.7.1. the witness or expert shall make a declaration of truthfulness before giving evidence pursuant to ICSID Arbitration Rule 38(6) or ICSID Arbitration Rule 38(8), respectively;
 - 19.7.2. direct examination of fact witnesses, which in principle shall not exceed 10 minutes, shall be limited to an introduction of the witness and to any corrections to the written witness statements. The direct examination may not be used to introduce new evidence, save with respect to supervening facts or matters subsequent to the witness' last statement. The direct examination of experts shall consist of a presentation limited to the scope of the expert report(s), the maximum duration of which will be decided at the Pre-Hearing Organizational Meeting. Such presentation shall be limited to the scope of the expert report(s), save with respect to supervening facts or matters subsequent to the expert's last statement;
 - 19.7.3. the adverse Party may then cross-examine the witness or expert on relevant matters addressed or presented in the witness statement or expert report. The scope of the cross-examination shall be limited to (i) the issues addressed by the witness or expert in his or her direct testimony or report; (ii) impeachment of the witness or expert, unless for good cause shown the Tribunal agrees to a broader cross-examination; and/or (iii) documents on the record (exhibits), facts or matters about which the witness has personal knowledge or the expert has professional expertise in, provided that they are relevant to the dispute;
 - 19.7.4. the Party presenting the witness or expert may then re-examine the witness or expert, only on matters addressed in the cross-examination;
 - 19.7.5. the Tribunal may examine the witness or expert at any time, either before, during or after examination of any of the Parties; and
 - 19.7.6. the Tribunal shall also, at all times, have complete control over the procedure in relation to a witness or expert giving oral evidence, including the right to recall a witness or an expert at the request of a Party or on its own motion and to decide whether a witness can reasonably be expected to be aware of a fact or document.
- 19.8. Prior to their examination, fact witnesses shall not:

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- 19.8.1. be present in the hearing room during the hearing of oral testimony or be part of any discussion regarding oral testimony;
 - 19.8.2. discuss the testimony of any other witness; or
 - 19.8.3. read any transcript of any oral testimony given by other witnesses.
- 19.9. Experts shall be allowed to be present in the hearing room at any time.
- 19.10. Counsel may meet with witnesses, experts, potential witnesses and experts to establish the facts, prepare the written statements and oral examinations.
- 19.11. A fact witness who is also a Party representative may be present at the hearing during the Parties' opening statements, but shall leave the hearing room after the Parties' opening statements until he or she is called to testify. A fact witness who is also a Party representative shall be the first witness to be examined once the Party calling them presents their witnesses. Only one fact witness for each party may be designated as a party representative.

20. Pre-Hearing Organizational Meetings

Arbitration Rule 31

- 20.1. A Pre-Hearing Organizational Meeting shall be held at a later date to be determined by the Tribunal after consultation with the Parties. It shall be held by videoconference between the Tribunal, the Parties, and the Tribunal Secretary and the Assistant to Tribunal, and should address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing. Following the Pre-Hearing Organizational Meeting, the Tribunal shall issue a procedural order recording the arrangements for the hearing.
- 20.2. At a date to be determined by the Tribunal, and in any event no later than the date of the Pre-Hearing Organizational Meeting, the Parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

21. Case Management Conferences

Arbitration Rule 31

- 21.1. The Tribunal may convene case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 in order to (i) put in place a process to identify uncontested facts (*e.g.*, through the submission of a joint chronology of facts); (ii) clarify and narrow the issues in dispute (*e.g.*, by addressing Tribunal

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questions, or submitting a decision tree, road map, matrix(es) and/or skeleton arguments); or (iii) address any other procedural or substantive issue related to the resolution of the dispute (*e.g.*, the appointment of a Tribunal-appointed expert, or the production of evidence). The Parties will confer and make best efforts to agree on the most efficient manner to attend to these issues before a case management conference is held.

- 21.2. The Tribunal may schedule the case management conference dates at its discretion, after consultation with the Parties.

22. Hearings

Arbitration Rule 32; CPTPP Article 9.24

- 22.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 22.2. The hearing may be held in-person or by any other means of communication as determined by the Tribunal after consultation with the Parties. An in-person hearing shall be held at a place to be determined in accordance with §11 above.
- 22.3. Having due regard to the views of the Parties and the specific circumstances of the case, including any relevant travel or public health/security restrictions, the Tribunal may decide to hold a hearing remotely or in a hybrid form.
- 22.4. The hearing shall take place on the dates indicated in **Updated Annex B**.
- 22.5. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 22.6. The time of each phase of the hearing shall be divided equally between the Parties, who may decide how to allocate the use of such time according to a chess-clock system to be monitored by the Tribunal Secretary. Except in exceptional circumstances, the Parties shall not request more time once they have used up their allocated time. Any such request will be assessed by the Tribunal upon application, and after hearing the other Party.
- 22.7. Allocation of time and other procedural issues related to the hearing will be discussed by the Parties and the Tribunal during the Pre-Hearing Organization Meeting.
- 22.8. Pursuant to CPTPP Article 9.24.2, the Tribunal shall conduct hearings open to the public and shall determine, in consultation with the Parties, the appropriate logistical arrangements. If a Party intends to use information in a hearing that is designated as protected information or otherwise subject to CPTPP Article 9.24.3,

it shall so advise the Tribunal. The Tribunal shall make appropriate arrangements to protect such information from disclosure which may include closing the hearing for the duration of the discussion of that information.

23. Recordings of Hearings and Sessions

Arbitration Rule 29(4)(i)

- 23.1. Recordings shall be made of all hearings and sessions. The recordings shall be provided to the Parties and the Tribunal Members.
- 23.2. Verbatim transcripts in the procedural languages shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the Parties or ordered by the Tribunal, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the Parties and the Tribunal on a same-day basis.
- 23.3. After consultation with the Parties at the relevant hearing or session, the Tribunal shall determine the deadline for the Parties to agree on any corrections to the transcripts and the procedure for entering the agreed corrections in the transcripts (“revised transcripts”). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered in the revised transcripts.

24. Submissions by non-disputing Parties and *amicus curiae*

CPTPP Article 9.23.2 and 9.23.3; Arbitration Rule 67.

- 24.1. Pursuant to CPTPP Article 9.23.2, a non-disputing Party may make oral and written submissions to the Tribunal regarding the interpretation of the CPTPP.
- 24.2. Pursuant to CPTPP Article 9.23.3 and Arbitration Rule 67, after consultation with the Parties, the Tribunal may accept and consider written *amicus curiae* submissions regarding a matter of fact or law within the scope of the dispute that may assist the Tribunal in evaluating the submissions and arguments of the Parties from a person or entity that is not a Party but has a significant interest in the arbitral proceedings.
- 24.3. Any non-disputing Party’s written submission shall be filed within the time limit established in **Updated Annex B**. A non-disputing Party intending to make an oral submission at the hearing shall notify the Tribunal of that intent within the time limit established in **Updated Annex B**.
- 24.4. The disputing Parties shall have the opportunity to comment on any non-disputing Party written submission by the time limit established in **Updated Annex B**.

- 24.5. By the time limit established in **Updated Annex B**, the disputing Parties shall also have the opportunity to: (1) make submissions on any request for the submission of an *amicus curiae* submission; and (2) file simultaneous observations on issues raised in any *amicus curiae* submission filed pursuant to a decision of the Tribunal.
- 24.6. If either Party intends to rely at any hearing on a document referenced in an *amicus curiae* submission which is not already part of the record, that Party must notify the other Party and the Tribunal at least two weeks in advance of the intended use. The notice shall specify the reference number to be given to the document. If the notice is provided by email, an electronic copy of the relevant document shall be attached to the email of the document shall be submitted in advance of its use at the hearing.

25. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rules 51

- 25.1. In consultation with the Parties, the Tribunal will determine at the end of the hearing whether there shall be post-hearing briefs. If so, the Tribunal will address the time limits for preparing, and the length, format, and content of the post-hearing briefs. No new evidence may be produced together with the post-hearing briefs, except with leave from the Tribunal.
- 25.2. The Tribunal will issue directions on the Parties' statements of costs at the end of the hearing.

26. Publication and Transparency matters

Convention Article 48(5), Arbitration Rules 62-66; CPTPP Article 9.24

- 26.1. The provisions on "Transparency of Arbitral Proceedings" set out in CPTPP Article 9.24 shall apply to this proceeding. For the avoidance of doubt, nothing in the present procedural order shall be interpreted to derogate from the relevant provisions of the CPTPP.
- 26.2. The Parties consent to ICSID's publication of the Award and any order or decision issued in the present proceeding. This section is without prejudice to the publication requirements set out in CPTPP Article 9.24(1) and the terms of the forthcoming Procedural Order on Confidentiality.
- 26.3. The Parties agree that the transparency regime governing these proceedings is dealt with in the forthcoming Procedural Order on Confidentiality.
- 26.4. Without prejudice to the publication requirements set out in CPTPP Article 9.24, the Parties' witness statements, expert reports, transcripts, documentary evidence and legal authorities (or excerpts thereof) shall not be subject to publication.

27. Data Privacy and Cybersecurity

- 27.1. The Members of the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.
- 27.2. The Members of the Tribunal, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the arbitration proceeding, where necessary. Should compliance with applicable law require action from another participant in the arbitration proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.
- 27.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

28. Amicable Dispute Settlement

- 28.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules, at any time in the proceeding. If the Parties settle the dispute in full, they may request that the Tribunal embody their settlement in its Award, pursuant to ICSID Arbitration Rule 55(2). Any agreement pursuant to ICSID Arbitration Rule 54(1), made in order to pursue amicable settlement discussions, should be communicated to the Tribunal.

On behalf of the Tribunal,



Prof. Luca G. Radicati di Brozolo
President of the Tribunal
Date: November 27, 2024

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Jurisdiction-FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Quantum-ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-FR</i>
	<i>R-0002-SPA</i>
	Legal Authorities
RL-####–LANGUAGE	
To be produced sequentially throughout the case.	
CLAIMANT’S LEGAL AUTHORITIES	
<i>CL-0001-ENG</i>	
<i>CL-0002-FR</i>	
RESPONDENT’S LEGAL AUTHORITIES	
<i>RL-0001-SPA</i>	
<i>RL-0002-ENG</i>	
Witness Statements	Witness Statement-Name of Witness-Name of Submission–LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement]-ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission–LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report]-ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission–LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits-FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion]-FR</i>
Exhibits to	WITNESS/EXPERT INITIALS–###

Almaden Minerals Ltd. and Almadex Minerals Ltd. v. United Mexican States
(ICSID Case No. ARB/24/23)

Procedural Order No. 1 – Annex A

Witness Statements, Expert Reports, Legal Opinions	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001</i>
	<i>MJ-0002</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001</i>
	<i>TK-0002</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001</i>
<i>LS-0002</i>	
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RLA-### to RLA-###
	<i>Index of Legal Authorities-RLA-0001 to RLA-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-SPA</i>
	<i>Request for Bifurcation-ENG</i>
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Production of Documents-[Claimant]-SPA</i>
	<i>Request for Stay of Enforcement-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submissions-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	

Annex B – Schedule

Scenario 1: No Request for Bifurcation

Description	Party/Tribunal	Period	Dates
First Session	All		20 November 2024
Memorial	Claimants	120 Days from the First Session	
Informs that it will not submit a Request for Bifurcation	Respondent	30 Days from the Memorial	
Counter-Memorial	Respondent	120 Days from the Memorial	

In the event Respondent informs the Tribunal that it will not submit a Request for Bifurcation within the time limit set out above, the Tribunal, after consultation with the Parties, shall issue a procedural calendar for the subsequent phases of the proceedings.

Annex B – Schedule

Scenario 2: Request for Bifurcation submitted

Description	Party/Tribunal	Period	Dates
First Session	All		20 November 2024
Memorial	Claimants	120 Days from the First Session	
Informs that it will submit a Request for Bifurcation	Respondent	30 Days from the Memorial	
Request for Bifurcation	Respondent	45 Days from the Memorial	
Response to the Request for Bifurcation	Claimants	45 Days from the Request for Bifurcation	
Decision on the Request for Bifurcation	Tribunal	40 Days from the Response to the Request for Bifurcation	

In the event Respondent informs the Tribunal that it will submit a Request for Bifurcation within the time limit set out above, the Tribunal, after consultation with the Parties and after the issuance of the Decision on the Request for Bifurcation, shall issue a procedural calendar for the subsequent phases of the proceedings.

Annex C – Modified Redfern Schedule [Claimants’/Respondent’s] Document Requests

Document Request Number	
Identification of documents or category of documents requested	
Relevance and materiality according to Requesting Party	
Objections by disputing party to production of requested documents	
Reply	
Decision of the Tribunal	