

PCA Case No. 2023-22

**IN THE MATTER OF AN ARBITRATION UNDER THE UNITED STATES – PERU TRADE
PROMOTION AGREEMENT, ENTERED INTO FORCE ON 1 FEBRUARY 2009**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW, AS REVISED IN 2013 (THE “UNCITRAL RULES”)**

- between -

BACILIO AMORRORTU (USA)

(the “Claimant”)

- and -

THE REPUBLIC OF PERU

(the “Respondent”, and together with the Claimant, the “Parties”)

PROCEDURAL ORDER NO. 12
(Updated Procedural Calendar)

Tribunal

Hon. Justice Mr. David Unterhalter (Presiding Arbitrator)
Professor Bryan Schwartz
Mr. Hugo Perezcano Díaz

Registry

Permanent Court of Arbitration

17 November 2025

I. PROCEDURAL BACKGROUND

1. On 29 October 2025, the Tribunal issued Procedural Order No. 11 (Updated Procedural Calendar), whereby it amended the Procedural Calendar of the arbitration and fixed the date and venue of the Hearing (18-22 January 2027, Washington, D.C., U.S.A) (“**PO11**”).
2. On 5 November 2025, the Claimant requested a four-week extension of the deadline for the filing of his Reply (the “**Claimant’s Request**”). As grounds for his request, the Claimant noted the following: (i) his requested extension is “necessary because Claimant’s legal team is scheduled to participate in a jurisdictional hearing the week of November 18, 2025 and final proceedings in separate matters scheduled for the month of December”; (ii) there would be no prejudice to Respondent if the extension was granted, as the Hearing is now scheduled for January 2027; and (iii) the requested extension “would allow Claimant’s experts sufficient time to review the Confidential Documents which were only just made available to Claimant’s experts on October 8, 2025”. Claimant noted that it “would not oppose a similar extension being granted to Respondent for the filing of their Sur-Reply, and notes that even with these extensions of time, the procedural calendar would provide over four months of a buffer period between the Parties’ last filing and the hearing date.”
3. On 11 November 2025, the Respondent requested that the Tribunal reject the Claimant’s Request. In particular, the Respondent noted that (i) “more than 19 months have passed since Peru filed its Statement of Defense and 13 months since Peru’s initial document production, which included 91 of the 101 documents ultimately produced by Peru”; (ii) the “60-day period currently allotted between Peru’s final document production and Claimant’s Reply is ... more than sufficient time for his experts to review and incorporate the nine documents produced by Peru on 8 October 2025”; (iii) “Claimant’s counsel negotiated the current procedural calendar just one month ago ... It is hard to believe that Claimant’s counsel did not already know of its other case commitments when that agreement was reached”; and (iv) granting the Claimant’s Request would “aggravate the existing imbalance between the Parties”, as the Claimant will have early 20 months to prepare his Reply, whereas Peru will only have four months to prepare its Rejoinder; and (v) the existing buffer period between the Parties’ last filing and the Hearing “must be safeguarded to preserve the hearing dates should Peru requires the additional time to cure the aforementioned imbalance or should any other procedural incident arise”. In the event that the Tribunal were to grant the Claimant’s Request, the Respondent maintains that it should be afforded an equal extension of time to file its Rejoinder.

II. THE TRIBUNAL’S ANALYSIS

4. The Claimant’s Request for an extension of the deadline for filing his Reply is premised upon the existing professional commitments of his counsel during the month of December. Ordinarily, the Tribunal would be inclined to afford some latitude in view of counsel’s competing professional obligations when considering a request for an extension. The Tribunal further observes that the Procedural Calendar allows a six-month period between the Parties’ final written submissions and the Hearing, thereby affording ample time to accommodate an extension.

5. The Tribunal recalls, however, that the Procedural Calendar enclosed with PO11 was agreed between the Parties as recently as 10 October 2025, at which time counsel ought to have anticipated such commitments when negotiating the schedule. The Tribunal is also mindful of the existing imbalance in the time afforded to each Party for the preparation of their second-round submissions (approximately 19 months for the Claimant's Reply, compared to 4 months for the Respondent's Rejoinder) as well as the potential impact that granting the Claimants' Request in full might entail.
6. Having considered the above factors, the Tribunal decides to grant a two-week extension for the filing of Claimant's Reply, as well as an equivalent extension for the filing of Respondent's Rejoinder. All subsequent deadlines shall be amended accordingly.

III. THE TRIBUNAL'S ORDER

7. For the above reasons, the Tribunal ADOPTS the updated Procedural Calendar set forth in the Annex to this Procedural Order.

Place of Arbitration: New York, United States of America



Justice David Unterhalter
(Presiding Arbitrator)

On behalf of the Tribunal

Annex – Procedural Calendar

Description	By	Period	Dates
<i>Document Production Phase</i>			
Production as ordered in PO8	Respondent	As soon as possible and no later than 9 September 2025	
Request to admit into the record confidential documents produced by Peru pursuant to PO8	Claimant	7 days from prior deadline	Tuesday, 16 September 2025
Transmission of signed Confidentiality Undertakings	Claimant	-	Tuesday, 7 October 2025
Transmission of Confidential Documents to be admitted into the record pursuant to PO5 and PO8	Respondent	-	Wednesday, 8 October 2025
<i>Written Pleadings</i>			
Reply with any Reply Witness Statement(s) and Expert Report(s)	Claimant	74 days from prior deadline	Monday, 22 December 2025 ¹
Rejoinder with any Rejoinder Witness Statement(s) and Expert Report(s)	Respondent	134 days from prior deadline	Tuesday, 5 May 2026
Rejoinder on Jurisdiction	Claimant	35 consecutive days from prior deadline	Tuesday, 9 June 2026
Notification of witnesses and experts for examination at the Hearing	Claimant and Respondent	15 consecutive days from prior deadline	Wednesday, 24 June 2026
United States' Non-Disputing Party Submission	United States	30 consecutive days from Rejoinder on Jurisdiction deadline	Thursday, 9 July 2026

¹ The original 74-day deadline falls on Sunday, 21 December 2025.

Simultaneous submission of the Parties commenting on United States' Non-Disputing Party Submission	Claimant and Respondent	30 consecutive days from prior deadline	Monday, 10 August 2026 ²
<i>Oral Pleadings</i>			
Pre-hearing conference	All	46 days before Hearing	Thursday, 3 December 2026
Hearing	All	161 days from filing of last written submission	Monday, 18 January 2027 to Friday, 22 January 2027

² The original 30-day deadline falls on Saturday, 8 August 2026.