

## International Centre for Settlement of Investment Disputes

1818 H Street, N.W., Washington, D.C. 20433, U.S.A.  
Telephone: (202) 458-1534 Faxes (202) 522-2615/2027  
Website: www.worldbank.org/icsid

**By courier – advance copy of cover letter by email**

January 31, 2007

Cargill, Incorporated  
c/o Messrs. Jeffrey W. Sarles and  
Mark W. Ryan  
Mayer, Brown, Rowe & Maw LLP  
and  
c/o Mr. Glen Goldman  
Cargill, inc.  
Washington, D.C. 20006-1101

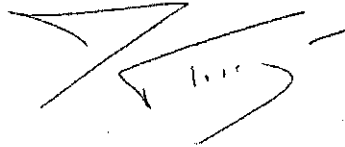
United Mexican States  
c/o Lic. Luis Alberto Gonzalez,  
Lic. Alejandra G. Treviño and  
Lic. Florinda Pasquel Peart  
Secretaría de Economía  
Alfonso Reyes #30, Piso 17  
Colonia Condesa  
C.P. 06140  
México, D.F.

Ref. **Cargill, Incorporated v. United Mexican States**  
**(ICSID Case No. ARB(AF)/05/2)**

Dear Sirs,

Further to my email of January 29, 2007, please find enclosed certified copies of the Tribunal's Procedural Order No. 2 of January 25, 2007.

Sincerely yours,



Gonzalo Flores  
Secretary of the Tribunal

c.c. (by courier – with enclosures):

Members of the Tribunal

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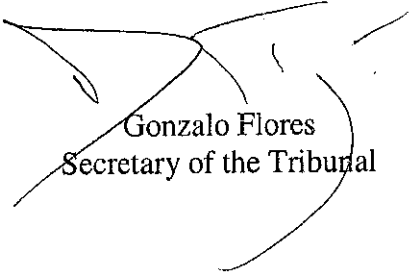
**CERTIFICATE**

Cargill, Incorporated

v.

United Mexican States  
(ICSID CASE No. ARB(AF)/05/2)

I hereby certify that the attached document is a true copy of the Tribunal's Procedural Order No. 2 of January 25, 2007.



Gonzalo Flores  
Secretary of the Tribunal

Washington, D.C., January 31, 2007

**PROCEDURAL ORDER No. 2**

**25 January 2007**

**Cargill, Incorporated, Claimant**

**v.**

**United Mexican States, Respondent**

**ICSID Case No. ARB(AF)/05/2**

An arbitration Under Chapter 11 of the North American Free Trade Agreement (NAFTA), in accordance with ICSID Additional Facility Arbitration Rules (2003)

Michael C. Pyles, President  
David D. Caron, Arbitrator  
Donald M. McRae, Arbitrator

**I. Background**

1. On 14 September 2006, the First Session of the Arbitral Tribunal was held in Washington, D.C., at which the parties were represented. The Tribunal, among other things, established a procedural calendar with prescribed time limits. This schedule is set forth under the heading "Time Limits" in Sections 14-15 of the Minutes of the First Session (Minutes).
2. In his letter of September 19, 2006, the Secretary of the Tribunal notified the Parties of the Tribunal's decision to fix Monday, October 1, 2007 through Monday October 8, 2007 (excluding Sunday, October 7, 2007) as the dates for the hearing in the present case.
3. The Claimant in its letter of 10 January 2007 and the Respondent in its letter of same date expressed divergent views as to the correct starting date for the calculation of a particular time limit. The Parties requested that the Tribunal resolve this question and set forth specific dates where possible.
4. The Tribunal in the following section specifies the dates for each procedural step. In setting these dates, the Tribunal has attempted to maintain the anticipated schedule and hearing dates as much as possible.

**II. Tribunal's Order**

1. The Tribunal hereby modifies the procedural schedule set forth in section 14-15 of the Minutes of 14 September 2006 as follows:
  1. The Claimant shall file its Memorial on liability and quantum no later than **(100)** days from the date of the First Session;
  2. No later than 7 February 2007 the Respondent may request the Claimant to produce certain documents pursuant to Section 16(a) of the Minutes;
  3. The Claimant shall produce the documents, or provide reasons for non-production in accordance with Section 16(a) of the Minutes by 9 March 2007;

4. The Respondent shall present any objections to the Claimant's response by 19 March 2007:
  - (a) Tribunal will decide any outstanding requests, if asked to do so, promptly thereafter;
5. The Respondent shall file its counter Memorial on liability and quantum by 18 April 2007, without prejudice to its right to present preliminary objections pursuant to Article 45(2) of the ICSID Additional Facility Rules;
6. No later than 3 May 2007, the Claimant may request that the Respondent produce certain documents pursuant to Section 16(a) of the Minutes;
7. The Respondent shall produce the documents, or provide reasons for non-production in accordance with Section 16(a) of the Minutes by 30 May 2007;
8. The Claimant shall present any objection to the Respondent's response by 4 June 2007:
  - (a) The Tribunal will decide any outstanding request, if asked to promptly thereafter;
9. If either the Government of the United States of America or Canada seeks to exercise their right under Article 1128 of the NAFTA, the Tribunal requests their submissions no later than 18 May 2007;
10. The Claimant shall file its reply by 18 June 2007;
11. The Respondent shall file its rejoinder by 17 August 2007.
12. The Hearing in the present case shall be held in Washington D.C. from October 1 2007 through Monday 8, 2007 (excluding Sunday, October 7, 2007).



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Michael C. Pryles

President of the Tribunal on behalf of the Tribunal

David D. Caron, Arbitrator  
Donald M. McRae, Arbitrator