

International Centre for Settlement of Investment Disputes

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October 26, 2005

By fax

Grand River Enterprises Six Nations, Ltd.,
Jerry Montour, Kenneth Hill and
Arthur Montour
c/o Mr. Todd Weiler
3007 Turner Road
Windsor, Ontario
Canada N8W 3L6
and
c/o Mr. Leonard Violi
156 W. 56^h Street
New York, NY 10019
and
c/o Mrs. Chantell Macinnes Montour
Inch Hammond Professional Corporation
1 King Street West, Suite 1500
Hamilton, Ontario L8P4X8

United States of America
c/o Mr. Mark A. Clodfelter
Assistant Legal Advisor
and
Ms. Andrea Menaker
Chief, NAFTA Arbitration Division
Office of International Claims and
Investment Disputes
2430 E Street, NW
Suite 203, South Building
Washington, D.C. 20037-2800

Re: Grand River Enterprises et al v. United States of America -
NAFTA/UNCITRAL Arbitration Rules Proceeding

Dear Sirs and Mesdames,

As directed by the Tribunal, I write to you as follows:

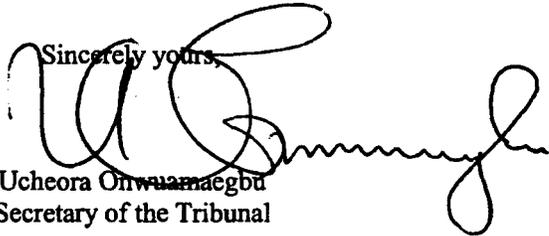
1. After considering the submissions in the proceedings arising out of the Request for Bifurcation of Respondent United States of America, dated August 29, 2005, the Tribunal has decided that the only issue that should be bifurcated is the issue as to whether the claims are time-barred under Articles 1116(2) and 1117(2) of the NAFTA. The other objections raised as jurisdictional objections by the US in the above referenced Request for Bifurcation will be joined to the merits.
2. Further proceedings will now be scheduled as follows:
 - (i) Further pleading by the US on the preliminary point that the claim is time-barred, together with documentary and proposed oral evidence in support, if any: to be filed within forty days, i.e., by Monday, December 5, 2005;
 - (ii) Pleading in response by the Claimants together with documentary and proposed oral evidence in support, if any: to be filed within 40 days thereafter, i.e., by Monday, January 16, 2006 (January 14 being a Saturday);
 - (iii) Brief reply by the US to the Claimants' Response: 20 days thereafter, i.e., by Monday, February 6, 2006 (February 5 being a Sunday); and
 - (iv) Rejoinder (if any) by the Claimants to the brief reply: 20 days thereafter, i.e., by Monday, February 27, 2006 (February 26 being a Sunday).

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3. Oral hearings on the issue of time-limitation will be held four months hence on dates to be advised by the Secretary of the Tribunal after consulting the parties and the Tribunal Members. Parties are hereby requested to confer and provide an estimate of the length of oral hearings that they envisage on this preliminary issue.

4. Although the objections other than the matter relating to whether or not the Claim is time-barred are joined to the merits, the parties are requested to indicate in their pleadings under paragraph 2 above under a separate heading ("Clarification") the evidence proposed to be led as to Mr. Arthur Montour's nationality (relevant to the third objection raised by the US) and whether this is disputed and if so why. The Tribunal wishes to stress that this will not be an issue for determination at the hearing of the preliminary issue of time-limitation since the 2nd, 3rd, 4th and 5th objections in the Request for Bifurcation are joined to the merits. The only object is to clarify with documentary evidence if possible, the question of Mr. Arthur Montour's nationality at an early stage of the arbitral proceedings.

cc: Members of the Tribunal

Sincerely yours,

Ucheora Onwuamaegbu
Secretary of the Tribunal