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August 14, 2009

**Via Electronic Mail**

Mr. Fali S. Nariman  
Professor S. James Anaya  
Mr. John R. Crook  
c/o Ms. Katia Yannaca-Small  
Secretary of the Tribunal  
International Centre for Settlement of Investment Disputes  
1818 H Street N.W.  
Washington, D.C. 20433

**RE: Grand River Enterprises Six Nations, Ltd., et al. v. United States of America**

Dear Members of the Tribunal:

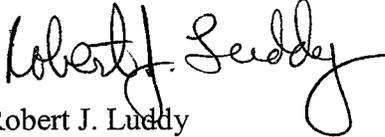
I write on behalf of the parties in response to the Tribunal's communication of August 10, 2009, to advise that both Claimants and Respondent are available for the hearing in this matter during the period February 1 through February 12, 2010.

As a courtesy, I must advise the Tribunal, as I did counsel for Respondent yesterday, of circumstances that could impact this schedule. In our letter of August 7, 2009, Claimants informed the Tribunal that Respondent's Justice Department had recently issued a criminal indictment naming, among others, Claimants Arthur Montour and Kenneth Hill, alleging various charges associated with the distribution of Native American tobacco products and statements made in connection therewith. While the trial in that matter has been set for November 30, 2009, we have been informed that a possibility exists for it to be adjourned to March of 2010 or later. In that event, and as is commonplace in the United States, we understand that his criminal counsel will instruct Mr. Montour not to testify in a civil matter such as the present arbitration prior to the resolution of any criminal charges. Should this criminal trial be scheduled for March 2010, absent an agreement by Respondent not to seek the testimony of Mr. Montour in this arbitration (Respondent has not previously selected Mr. Hill for cross-examination), we would be

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forced to request a hearing adjournment so that Mr. Montour can defend properly the criminal charges.

Respectfully submitted,

  
Robert J. Luddy

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