

PCA Case No. 2016-17

**IN THE MATTER OF AN ARBITRATION UNDER THE DOMINICAN REPUBLIC-
CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT,
SIGNED ON AUGUST 5, 2004 (“CAFTA-DR”)**

– and –

**THE UNCITRAL ARBITRATION RULES (AS ADOPTED IN 2013)
(the “UNCITRAL Rules”)**

– between –

MICHAEL BALLANTINE AND LISA BALLANTINE

(the “Claimants”)

– and –

THE DOMINICAN REPUBLIC

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

PROCEDURAL ORDER NO. 4

Tribunal

Prof. Ricardo Ramírez Hernández (Presiding Arbitrator)
Ms. Marney L. Cheek
Prof. Raúl Emilio Vinuesa

June 27, 2017

1. On May 17, 2017, the Tribunal issued Procedural Order No. 3 modifying the procedural calendar to reflect an extension of Respondent's deadline for submission of its Statement of Defense and Objections to Jurisdiction.
2. On May 31, 2017, the PCA received a letter received from the United States Department of State, in which the United States requested an extension on the original deadline for non-disputing party submissions, under Art. 10.20(2) CAFTA-DR, after the conclusion of the second round of briefing, and prior to any oral hearing (the "**Request**"). The PCA forwarded the Request to the Tribunal the same day.
3. By letter of June 1, 2017, the Tribunal forwarded the Request to the Parties for their comments.
4. By e-mails of June 7 and 12, 2017, the Parties advised that they had no objection to the Request.
5. By letter of June 14, 2017, the Tribunal informed the Parties that it had decided to accept the Request and that a procedural order embodying these changes to the procedural calendar would be issued shortly.
6. Consequently, the Tribunal has decided that non-disputing parties shall be able to make written submissions pursuant to Art. 10.20.2 CAFTA-DR not later than one month following the submission of the Claimants' Rejoinder on Jurisdiction.
7. By letter of June 19, 2017, the Tribunal invited the Parties to exchange views regarding the deadline for submission of the Claimants Rejoinder on Jurisdiction. By respective e-mails of June 22, 2017 the Parties advised the Tribunal that they had agreed to allow the Claimants two months after Respondent's Rejoinder for the submission of the Claimants' Rejoinder on Jurisdiction. As part of this agreement, the Parties also agreed to extend the due dates for the Claimants' Reply and the Respondent's Rejoinder respectively and requested the Tribunal to amend the procedural schedule as a consequence thereof.
8. By letter dated June 27, 2017, the Tribunal informed the Parties that it had agreed to amend the procedural calendar to reflect the Parties' agreement.
9. For the sake of good order, an amended Procedural Calendar including the agreed revised dates is enclosed herewith as Annex 1.

Place of Arbitration: Washington, D.C., United States of America

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke that ends in a small hook.

Ricardo Ramírez Hernández
(Presiding Arbitrator)

On behalf of the Tribunal

Annex 1: Procedural Calendar

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
<i>Initial Phase</i>		
[...]		
<i>Document Production</i>		
Requests for document production to the other Party	THURSDAY, MAY 18, 2017 (<i>i.e.</i> , two weeks from deadline for Statement of Defense)	THURSDAY, JUNE 8, 2017 (<i>i.e.</i> , two weeks from deadline for Statement of Defense)
Objections to production	THURSDAY, JUNE 1, 2017 (<i>i.e.</i> , two weeks from deadline for requests for document production)	THURSDAY, JUNE 22, 2017 (<i>i.e.</i> , two weeks from deadline for requests for document production)
Production of documents where no objection is made	THURSDAY, JUNE 8, 2017 (<i>i.e.</i> , three weeks from deadline for requests for document production)	THURSDAY, JUNE 29, 2017 (<i>i.e.</i> , three weeks from deadline for requests for document production)
Replies to objections to production	THURSDAY, JUNE, 8 2017 (<i>i.e.</i> , one week from deadline for objections to production)	THURSDAY, JUNE, 29 2017 (<i>i.e.</i> , one week from deadline for objections to production)
Reasoned applications for an order on production of documents, in the form of a Redfern Schedule (Annex 2 of Procedural Order No. 1)	MONDAY, JUNE 12, 2017 (<i>i.e.</i> , 1.5 week from deadline for objections to production)	MONDAY, JULY 3, 2017 (<i>i.e.</i> , 1.5 week from deadline for objections to production)
Tribunal's decision on document production	MONDAY, JUNE 26, 2017 (<i>i.e.</i> , two weeks from deadline for application)	MONDAY, JULY 17, 2017 (<i>i.e.</i> , two weeks from deadline for application)
Production of remaining documents	MONDAY, JULY 10, 2017 (<i>i.e.</i> , two weeks from Tribunal's decision)	MONDAY, JULY 31, 2017 (<i>i.e.</i> , two weeks from Tribunal's decision)

Written Pleadings

Claimants' Reply	MONDAY, SEPTEMBER 11, 2017 (<i>i.e.</i> , two months from production of remaining documents)	MONDAY, OCTOBER 9, 2017 ¹ (<i>i.e.</i> , two months and one week from production of remaining documents)
Respondent's Rejoinder	MONDAY, DECEMBER 11, 2017 (<i>i.e.</i> , three months from deadline for Claimant's Reply)	MONDAY, JANUARY 16, 2018 (<i>i.e.</i> , three months and one week from deadline for Claimant's Reply)
Claimants' Rejoinder on Jurisdiction (<i>if any</i>)	DATE TO BE DETERMINED BY THE TRIBUNAL AT A LATER STAGE	FRIDAY, MARCH 16, 2018 (<i>i.e.</i> , one month from deadline for Respondent's Rejoinder)
Written submissions from "non-disputing Parties" and notification of their wish to present oral submissions to the Tribunal, both regarding the interpretation of the CAFTA-DR, pursuant to Article 10.20(2) of the Treaty. Any submission or notification made pursuant to said Article shall be made in conformity with section 10 of the Terms of Appointment.	MONDAY, JUNE 26, 2017 (<i>i.e.</i> , one month from deadline for Statement of Defense)	MONDAY, APRIL 16, 2018 (<i>i.e.</i> , one month following the submission of the Claimants' Rejoinder on Jurisdiction)

Oral Pleadings²

Witness Notifications	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Pre-hearing Conference	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Oral Hearing	AT LEAST TWO MONTHS FOLLOWING THE DEADLINE FOR THE RESPONDENT'S REJOINDER	AT LEAST TWO MONTHS FOLLOWING THE DEADLINE FOR THE RESPONDENT'S REJOINDER

¹ The precise date falling two months and one week after the Respondent's Statement of Defense would be Sunday, October 8, 2017. The deadline has been extended by one day so that it falls on a business day.

² Pending the Tribunal's decision on written pleadings.