

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Gavrilović and Gavrilović d.o.o.

v.

Republic of Croatia

(ICSID Case No. ARB/12/39)

PROCEDURAL ORDER NO. 2

Members of the Tribunal

Michael C. Pyles, President of the Tribunal
Stanimir A. Alexandrov, Arbitrator
Matthias Scherer, Arbitrator

Secretary of the Tribunal

Lindsay Gastrell

Assistant to the President of the Tribunal

Albert Dinelli

12 February 2015

Relevant Background

On 21 August 2013, the Tribunal issued Procedural Order No 1 (**Order 1**).

The Respondent having made Preliminary Objections, and having sought bifurcation of the proceeding, the Tribunal considered the submissions from the Parties in relation to these issues.

By paragraph 15.1.5 of Order 1, the Tribunal was required to decide whether it was to deal with the Respondent's preliminary objections as a preliminary question, and thus bifurcate the proceeding, or join them to the merits of the dispute.

On 21 January 2015, the Tribunal refused the Respondent's application to bifurcate the proceeding.

This Procedural Order No 2 provides further orders for the conduct of the proceeding.

Procedural Order No 2

Pursuant to ICSID Arbitration Rule 19, this Procedural Order sets out the further procedural orders that shall govern this arbitration below, and in the Procedural Timetable in Annex A to this Procedural Order.

1. By **20 February 2015**, each Party may serve a request for production of documents on the other Party. Every request for production of documents shall precisely identify each document, or category of documents, sought and establish its relevance. Such a request will not be copied to the Tribunal, the Tribunal Secretary or the Assistant to the President.
2. By **13 March 2015**, each Party shall provide the other Party with:
 - (a) the documents in its possession, custody or control that are responsive to the other Party's request; and/or
 - (b) state in writing its objections to production, with reference to the objections listed in Article 9(2) of the IBA Rules.

The documents referred to in sub-paragraphs (a) and (b) above are not to be copied to the Tribunal, the Tribunal Secretary or the Assistant to the President.

3. By **3 April 2015**, the requesting Party shall comment in writing on any response or objection made to production and file the Parties' submissions with the Tribunal, with a copy to the other Party (in both Word and PDF formats).
4. In relation to paragraphs 1 to 3 above, the Parties are to comply with paragraph 16.8 of Order 1.
5. As soon as conveniently possible after 3 April 2015, the Tribunal will decide on the issues raised in the Parties' submissions on production.

6. Within three (3) weeks of the Tribunal's determination set forth in paragraph 5 above, the Parties shall produce any documents ordered for production.
7. By **17 July 2015**, the Claimants shall file and serve their Reply on the Merits and Counter-Memorial on Preliminary Objections together with any further supporting materials upon which they wish to rely.
8. By **13 November 2015**, the Respondent shall file and serve its Rejoinder on the Merits and Reply on Preliminary Objections together with any further supporting materials upon which it wishes to rely.
9. By **22 January 2016**, the Claimants shall file and serve their Rejoinder on Preliminary Objections together with any further supporting materials upon which they wish to rely.
10. By **12 February 2016**, each Party shall notify the other Party, with a copy to the Tribunal, of the witnesses and experts of the opposing Party it wishes to cross-examine at the hearing and which of its own witnesses and experts it wishes to examine at the hearing.
11. By a date to be fixed before **19 February 2016**, the Tribunal and the Parties may hold a pre-hearing conference call if the Tribunal considers it necessary, at a date to be fixed by the Tribunal after consultation with the Parties.
12. The hearing on preliminary objections and the merits shall be held **from 7 to 11 March 2016 and 14 to 16 March 2016**.
13. The schedule for post-hearing briefs, if any, and claims for costs will be fixed by the Tribunal at the hearing.

On behalf of the Tribunal:

[signed]

Michael C. Pyles
President of the Tribunal
Date: 12 February 2015

Annex A – Procedural Timetable

Description	By	Date / Time Period
Requests for Production of Documents	Claimants and Respondent	By Friday, 20 February 2015
Production of Non-Objected Documents and Objections	Claimants and Respondent	By Friday, 13 March 2015
Responses to Objections - Submitted to Tribunal	Claimants and Respondent	By Friday, 3 April 2015
Decision on Requests	Tribunal	TBD
Production as Ordered	Claimants and Respondent	Within 3 weeks following the Tribunal's Decision on the Requests
Reply on the Merits and Counter-Memorial on Preliminary Objections	Claimants	By Friday, 17 July 2015
Rejoinder on the Merits and Reply on Preliminary Objections	Respondent	By Friday, 13 November 2015
Rejoinder on Preliminary Objections	Claimants	By Friday, 22 January 2016
Notification of Witnesses and Experts	Claimants and Respondent	By Friday, 12 February 2016
Pre-Hearing Telephone Conference	All	TBD (before 19 February 2016)
Hearing on Preliminary Objections and the Merits	All	From 7 to 11 and from 14 to 16 March 2016
Post-Hearing Briefs, if any, and Claims for Costs	Claimants and Respondent	TBD