

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

**ICSID CASE NO. ARB/21/51**

**DISCOVERY GLOBAL LLC**

*Claimant*

v

**THE SLOVAK REPUBLIC**

*Respondent*

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**CONSOLIDATED INDEX OF LEGAL AUTHORITIES**

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***Members of the Tribunal:***

Professor Gabrielle Kaufmann-Kohler, President

Mr Stephen L. Drymer, Arbitrator

Professor Philippe Sands KC, Arbitrator

***Secretary of the Tribunal:*** Ms Jara Minguez Almeida

***Assistant to the Tribunal:*** Dr Magnus Jesko Langer

<b>Discovery Global LLC's letter to the Tribunal dated 5<sup>th</sup> April 2022</b>		
<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
<a href="#"><u>CL-001</u></a>	IBA Rules on the Taking of Evidence in International Arbitration (2020)	17 December 2020
<a href="#"><u>CL-002</u></a>	<i>GCM Mining Corp. (formerly Gran Colombia Gold Corp.) v. Republic of Colombia</i> , ICSID Case No. ARB/18/23, Procedural Order No. 11 on the Parties Requests for Documents, 28 September 2021	28 September 2021
<a href="#"><u>CL-003-ENG</u></a>	<i>Carlos and Francisco Rios v. Republic of Chile</i> , ICSID Case No. ARB/17/16, Procedural Order No. 7, 4 October 2019 (Spanish with English translation)	4 October 2018
<a href="#"><u>CL-003-SPN</u></a>	<i>Carlos and Francisco Rios v. Republic of Chile</i> , ICSID Case No. ARB/17/16, Procedural Order No. 7, 4 October 2019 (Spanish with English translation)	4 October 2018
<a href="#"><u>CL-004</u></a>	<i>Born International Commercial Arbitration</i> , (3 <sup>rd</sup> ed, Kluwer, 2021), Vol II	2021
<a href="#"><u>CL-005</u></a>	<i>Edwardian Group Limited</i> [2017] EWHC 2805 (Ch), Case No. CR-2015-009042	10 November 2017
<a href="#"><u>CL-006</u></a>	<i>Re Global Medical Imaging Management Limited</i> [2001] NSWSC 476	June 2001
<a href="#"><u>CL-007</u></a>	<i>Three Rivers District Council v. Bank of England (No. 6)</i> [2004] UKHL 48, [2004] 3 WLR 1274	11 November 2004
<a href="#"><u>CL-008</u></a>	<i>US v. Ocwen Loan Servicing</i> , 2016 WL 1031157	15 March 2016
<a href="#"><u>CL-009</u></a>	Treaty between the Czech and Slovak Federal Republic and the United States of America concerning the Reciprocal Encouragement and Protection of Investment	
<a href="#"><u>CL-010</u></a>	McLachlan, Shore & Weiniger <i>International Investment Arbitration</i> (2 <sup>nd</sup> ed, OUP, 2017)	23 March 2017
<a href="#"><u>CL-011</u></a>	<i>Saluka Investments BV v. The Czech Republic</i> , PCA Case No. 2001-04, Partial Award, 17 March 2006	28 September 2021
<b>Discovery Global LLC's Memorial</b>		
<a href="#"><u>CL-012</u></a>	<i>Hassan Awdi, Enterprise Business Consultants, Inc. and Alfa El Corporation v. Romania</i> , ICSID Case No. ARB/10/13, Award, 2 March 2015	2 March 2015
<a href="#"><u>CL-013</u></a>	<i>Ickale Insaat Limited Sirketi v. Turkmenistan</i> , ICSID Case No. ARB/10/24, Award, 8 March 2016	8 March 2016
<a href="#"><u>CL-014</u></a>	Vienna Convention on the Law of Treaties	1969
<a href="#"><u>CL-015</u></a>	<i>Infinito Gold Ltd. v. Republic of Costa Rica</i> , ICSID Case No. ARB/4/15, Award, 3 June 2021	3 June 2021
<a href="#"><u>CL-016</u></a>	<i>MTD Equity Sdn Bhd and MTD Chile SA v. Republic of Chile</i> , ICSID Case No. ARB/01/7, Award, 25 May 2004	25 May 2004
<a href="#"><u>CL-017</u></a>	<i>Saluka Investments BV (The Netherlands) v. Czech Republic</i> , UNCITRAL, Partial Award, 17 March 2006	17 March 2006
<a href="#"><u>CL-018</u></a>	<i>S.D. Myers Inc. v. Government of Canada</i> , UNCITRAL, Partial Award, 13 November 2000	13 November 2000
<a href="#"><u>CL-019</u></a>	<i>Vivendi v Argentina</i> , ICSID Case No. ARB/97/3, Award, 20 August 2007	20 August 2007
<a href="#"><u>CL-020</u></a>	<i>Waste Management, Inc. v. Mexico</i> , ICSID Case No. ARB(AF)/00/3, Award, 30 April 2004	30 April 2004

<a href="#"><u>CL-021</u></a>	<i>Tecnicas Medioambientales Tecmed SA v. Mexico</i> , ICSID Case No. ARB (AF)/00/2, Award, 29 May 2003	29 May 2003
<a href="#"><u>CL-022</u></a>	<i>Waguih Elie George Siag and Clorinda Vecchi v. The Arab Republic of Egypt</i> , ICSID Case No. ARB/05/15, Award, 1 June 2009	1 June 2009
<a href="#"><u>CL-023</u></a>	<i>Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania</i> , ICSID Case No. ARB/05/22, Award, 24 July 2008	24 July 2008
<a href="#"><u>CL-024</u></a>	<i>EDF (Services) Limited v. Romania</i> , ICSID Case No. ARB/05/13, Award, 8 October 2009	8 October 2009
<a href="#"><u>CL-025</u></a>	<i>El Paso Energy International Company v Argentina</i> , ICSID Case No. ARB/03/15, Award, 31 October 2011	31 October 2011
<a href="#"><u>CL-026</u></a>	<i>Crystallex International Corporation v. Bolivarian Republic of Venezuela</i> , ICSID Case No. ARB(AF)/11/2, Award, 4 April 2016	4 April 2016
<a href="#"><u>CL-027</u></a>	<i>EnCana Corporation v. Republic of Ecuador</i> , LCIA Case No. UN 3481, Award, 3 February 2006	3 February 2006
<a href="#"><u>CL-028</u></a>	<i>Garanti Koza LLP v. Turkmenistan</i> , ICSID Case No. ARB/11/20, Award, 19 December 2016	19 December 2016
<a href="#"><u>CL-029</u></a>	<i>Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt</i> , ICSID Case No. ARB/04/13, Award, 6 November 2008	6 November 2008
<a href="#"><u>CL-030</u></a>	<i>OOO Manolium Processing v. Republic of Belarus</i> , PCA Case No. 2018-06, Final Award, 22 June 2021	22 June 2021
<a href="#"><u>CL-031</u></a>	<i>Joseph Charles Lemire v. Ukraine</i> , ICSID Case No. ARB/06/18, Decision on Jurisdiction and Liability, 14 January 2010	14 January 2010
<a href="#"><u>CL-032</u></a>	<i>Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v. Republic of Kazakhstan</i> , ICSID Case No. ARB/05/16, Award, 29 July 2008	29 July 2008
<a href="#"><u>CL-033</u></a>	<i>Photovoltaik Knopf Betriebs-GmbH v. Czech Republic</i> , PCA Case No. 2014-21, Award, 15 May 2019	15 May 2019
<a href="#"><u>CL-034</u></a>	<i>Antaris Solar GmbH and Dr. Michael Göde v. The Czech Republic</i> , PCA Case No. 2014-01, Award, 2 May 2018	2 May 2018
<a href="#"><u>CL-035</u></a>	<i>Metalclad Corp v. United Mexican States</i> , ICSID Case No. ARB(AF)/97/1, Award, 30 August 2000	30 August 2000
<a href="#"><u>CL-036</u></a>	<i>Ioan Micula and others v. Romania I</i> , ICSID Case No. ARB/05/20, Award, 11 December 2013	11 December 2013
<a href="#"><u>CL-037</u></a>	<i>Glencore International A.G. and C.I. Prodeco S.A. v. Republic of Colombia</i> , ICSID Case No. ARB/16/6, Award, 27 August 2019	27 August 2019
<a href="#"><u>CL-038</u></a>	<i>Liman Caspian v Kazakhstan</i> , ICSID Case No. ARB/07/14, Excerpts of Award, 22 June 2010	22 June 2010
<a href="#"><u>CL-039</u></a>	<i>Loewen v. USA</i> , ICSID Case No. ARB(AF)/98/3, Final Award, 26 June 2003	26 June 2003
<a href="#"><u>CL-040</u></a>	<i>Lion Mexico Consolidated L.P. v. United Mexican States</i> , ICSID Case No. ARB(AF)/15/2, Award, 20 September 2021	20 September 2021
<a href="#"><u>CL-041</u></a>	<i>Parkerings-Compagniet AS v. Republic of Lithuania</i> , ICSID Case No. ARB/05/8, Award, 11 September 2007	11 September 2007

<a href="#"><u>CL-042</u></a>	<i>Champion Trading Company and Ameritrade International, Inc. v. Arab Republic of Egypt</i> , ICSID Case No. ARB/02/9, Award, 27 October 2006	27 October 2006
<a href="#"><u>CL-043</u></a>	<i>Ronald S. Lauder v. Czech Republic</i> , UNCITRAL, Award of 3 September 2001	3 September 2001
<a href="#"><u>CL-044</u></a>	<i>Pawlowski AG and Project Sever s.r.o. v. Czech Republic</i> , ICSID Case No. ARB/17/11, Award, 1 November 2021	1 November 2021
<a href="#"><u>CL-045</u></a>	<i>Limited Liability Company Amtov. Ukraine</i> , Arbitration No. 080/2005, Final Award, 26 March 2008	26 March 2008
<a href="#"><u>CL-046</u></a>	<i>Chevron Corporation (U.S.A.) and Texaco Petroleum Corporation (U.S.A.) v. Republic of Ecuador I</i> , PCA Case No. 2007-02/AA277, Partial Award on the Merits, 30 March 2010	30 March 2010
<a href="#"><u>CL-047</u></a>	<i>Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt</i> , ICSID Case No. ARB/99/6, Award, 12 April 2002	12 April 2002
<a href="#"><u>CL-048</u></a>	Award No. ITL 141-7-2 (29 June 1984)	29 June 1984
<a href="#"><u>CL-049</u></a>	<i>Compañía del Desarrollo de Santa Elena v Costa Rica</i> , ICSID Case No. ARB/96/1, Award, 17 February 2000	17 February 2000
<a href="#"><u>CL-050</u></a>	<i>Olympic Entertainment Group AS v. Republic of Ukraine</i> , PCA Case No. 2019-18, Award, 15 April 2021	15 April 2021
<a href="#"><u>CL-051</u></a>	<i>Burlington Resources Inc. v. Republic of Ecuador</i> , ICSID Case No. ARB/08/5, Decision on Liability 14 December 2012	14 December 2012
<a href="#"><u>CL-052</u></a>	R Dolzer and C Schreuer, <i>Principles of International Investment Law</i> (OUP, 2022)	6 January 2022
<a href="#"><u>CL-053</u></a>	<i>Case Concerning the Factory at Chorzów (Germany v. Poland)</i> , 1928 PCIJ, Series A, No.17 (Merits), Judgment No.13 of 13 September 1928	13 September 1928
<a href="#"><u>CL-054</u></a>	International Law Commission, “ <i>Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries</i> ”, in Yearbook of International Law Commission, 2001, Vol. II, Part Two	2001
<a href="#"><u>CL-055</u></a>	<i>Gold Reserve Inc. v. Bolivarian Republic of Venezuela</i> , ICSID Case No. ARB(AF)/09/1, Award of 22 September 2014	22 September 2014
<a href="#"><u>CL-056</u></a>	“ <i>Calculation of Compensation and Damages in International Investment Law</i> ”, Marboe, Second Edition (2017)	2017
<a href="#"><u>CL-057</u></a>	<i>Joseph Charles Lemire v. Ukraine</i> , ICSID Case No. ARB/06/18, Award of 28 March 2011	28 March 2011
<a href="#"><u>CL-058</u></a>	<i>Burlington Resources Inc. v. The Republic of Ecuador</i> , ICSID Case No. ARB/08/5, Decision on Reconsideration and Award of 7 February 2017	7 February 2017
<a href="#"><u>CL-059</u></a>	<i>Enron Corporation and Ponderosa Assets L.P v. Argentine Republic</i> , ICSID Case No. ARB/01/3, Award of 22 May 2007	22 May 2007
<a href="#"><u>CL-060</u></a>	<i>East Mediterranean Gas S.A.E. v. Egyptian General Petroleum Corporation, Egyptian Natural Gas Holding Company and Israel Electric Corporation Ltd</i> , ICC Case No. 18215/GZ/MHM, Award of 4 December 2015	4 December 2015

<a href="#"><u>CL-061</u></a>	<i>Tethyan Copper Company Pty Limited v. Islamic Republic of Pakistan</i> , ICSID Case No. ARB/12/1, Award of 12 July 2019	12 July 2019
<a href="#"><u>CL-062</u></a>	Philip Haberman and Liz Perks, “ <i>Overview of Methodologies for Assessing Fair Market Value</i> ” (2021), in <i>The Guide to Damages in International Arbitration</i> , Fourth edition Global Arbitration Review	2021
<b>Discovery Global LLC’s Introductory Remarks to the Slovak Republic’s Redfern Schedule</b>		
<a href="#"><u>CL-063</u></a>	<i>Latam Hydro LLC and CH Mamacocha S.R.L. v. Republic of Peru</i> , ICSID Case No. ARB/19/28, Procedural Order No. 4 on the Production of Documents Referred to in the Parties’ Privilege Logs, Award, 3 May 2021	3 May 2021
<a href="#"><u>CL-064</u></a>	<i>Phipson on Evidence</i> (20th Ed, Sweet & Maxwell, 2021)	31 December 2021
<a href="#"><u>CL-065</u></a>	<i>Passmore Privilege</i> (4th ed, Sweet & Maxwell, 2019)	31 December 2019
<a href="#"><u>CL-066</u></a>	<i>In re JDN Real Estate-McKinney LP</i> , 211 SW 3d 907 (Tex, Court of Appeals, 5th Dist. 2006)	28 December 2006
<a href="#"><u>CL-067</u></a>	<i>The TAG Group Litigation Winterthur Swiss Insurance Company and another v AG (Manchester) Ltd (in liquidation) and others</i> [2006] EWHC 839	12 April 2006
<a href="#"><u>CL-068-ENG</u></a>	Slovak Act No. 586/2003 Coll. on the Legal Profession (Slovak with English translation)	2 September 2021
<a href="#"><u>CL-069-SVK</u></a>	Slovak Act No. 586/2003 Coll. on the Legal Profession (Slovak with English translation)	2 September 2021
<b>Discovery Global LLC’s Reply Memorial</b>		
<a href="#"><u>CL-070</u></a>	Statute of the International Court of Justice	18 April 1946
<a href="#"><u>CL-071</u></a>	<i>Sapphire International Petroleums Ltd v National Iranian Oil Company</i> (1963) 35 ILR 136, Arbitral Award, 15 March 1963	1963
<a href="#"><u>CL-072</u></a>	ICSID Convention	14 October 1966
<a href="#"><u>CL-073</u></a>	<i>Southern Pacific Properties (Middle East) Ltd v Arab Republic of Egypt</i> , ICSID Case No. ARB/84/3, Award, 20 May 1992	20 May 1992
<a href="#"><u>CL-074</u></a>	M Ball “Assessing Damages in Claims by Investors against States” (2001) 16 ICSID Review – Foreign Investment law Journal 419	2001
<a href="#"><u>CL-075</u></a>	<i>SGS Société Générale de Surveillance S.A v Pakistan</i> , ICSID Case No. ARB/01/13, Decision of the Tribunal on Objections to Jurisdiction, 6 August 2003	6 August 2003
<a href="#"><u>CL-076</u></a>	<i>Telenor Mobile Communications A.S. v Republic of Hungary</i> , ICSID Case No. ARB/04/15, Award, 13 September 2006,	13 September 2006
<a href="#"><u>CL-077</u></a>	Jan Paulsson “The Expectation Model” in Derains & Kreindler (eds) <i>Evaluation of Damages in International Arbitration</i> (Dossier IV, ICC Institute of World Business Law, ICC Publication No 668, 2008)	2008
<a href="#"><u>CL-078</u></a>	<i>Continental Casualty Co v Argentina</i> , ICSID Case No. ARB/03/9, 5 September 2008	5 September 2008

<a href="#"><u>CL-079</u></a>	<i>RSM Production Corp v Grenada</i> , ICSID Case No. ARB/05/14, Award, 13 March 2009	13 March 2009
<a href="#"><u>CL-080</u></a>	<i>Malaysian Historical Salvors v The Government of Malaysia</i> , ICSID Case No. ARB/05/10, Decision on the Application for Annulment, 16 April 2009	16 April 2009
<a href="#"><u>CL-081</u></a>	<i>Gemplus v The United Mexican States</i> ICSID Case Nos. ARB(AF)/04/3 & ARB(AF)/04/4, Award, 16 June 2010	16 June 2010
<a href="#"><u>CL-082</u></a>	<i>Frontier Petroleum Services Ltd v Czech Republic</i> , UNCITRAL, Final Award, 12 November 2010	12 November 2010
<a href="#"><u>CL-083</u></a>	<i>Case Concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v Russian Federation)</i> , Preliminary Objections, Judgment of 1 April 2011	1 April 2011
<a href="#"><u>CL-084</u></a>	Christoph Schreuer and Ursula Kriebaum, <i>At What Time Must Legitimate Expectations Exist?</i> (2012) 9(1) <i>Transnational Dispute Management</i> , (January 2012)	1 January 2012
<a href="#"><u>CL-085</u></a>	<i>Vanessa Ventures Ltd v Venezuela</i> , ICSID Case No. Arb(AF)/04/6, Award, 16 January 2013	16 January 2013
<a href="#"><u>CL-086</u></a>	<i>Tulip Real Estate Investment and Development Netherlands BV v Turkey</i> , ICSID Case No. ARB/11/28	5 March 2013
<a href="#"><u>CL-087</u></a>	<i>Philip Morris Brand Sàrl (Switzerland) v Oriental Republic of Uruguay</i> , ICSID Case No. ARB/10/7, Decision on Jurisdiction, 2 July 2013	2 July 2013
<a href="#"><u>CL-088</u></a>	S Ripinsky & K Williams <i>Damages in International Investment Law</i> (BIICL, 2015)	2015
<a href="#"><u>CL-089</u></a>	Borzu Sabahi & Lukáš Hoder “Certainty in Recovery of Damages for Losses to New or Incomplete Businesses” (2016) 3(2) <i>Journal of Damages in International Arbitration</i>	2016
<a href="#"><u>CL-090</u></a>	<i>Murphy Exploration &amp; Production Company – International v The Republic of Ecuador II</i> , Partial Final Award, PCA Case No. 2012-16 (formerly AA 434), Partial Final Award, 6 May 2016	6 May 2016
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<a href="#"><u>CL-092</u></a>	<i>Gavazzi v Romania</i> , ICSID Case No. ARB1225, Award, 18 April 2017	18 April 2017
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<a href="#"><u>CL-094</u></a>	<i>Divine Inspiration Group PTY v Democratic Republic of Congo</i> , ICC Case No. 22370/DDA, Final Award, 7 November 2018	7 November 2018
<a href="#"><u>CL-095</u></a>	<i>Greentech Energy Systems A/S v The Italian Republic</i> , SCC Arbitration V (2015/095), Final Award, 23 December 2018	23 December 2018
<a href="#"><u>CL-096</u></a>	<i>Westwater Resources, Inc v Turkey</i> , ICSID Case No. ARB/18/46, Procedural Order No. 2, 28 April 2020	28 April 2020
<a href="#"><u>CL-097</u></a>	<i>Cyprus Popular Bank v The Hellenic Republic</i> , ICSID Case No. ARB/1416, Award, 15 April 2021	15 April 2021
<a href="#"><u>CL-098</u></a>	<i>LSG Building Solutions GmbH v Romania</i> , ICSID Case No. ARB/18/19, Decision on Jurisdiction, Liability and Principles of Reparation, 11 July 2022	11 July 2022

<a href="#"><u>CL-099</u></a>	<i>Rand Investments Ltd v Republic of Serbia</i> , ICSID Case No. ARB/18/8, Award, 29 June 2023	29 June 2023
<a href="#"><u>CL-100</u></a>	<i>Nachingwea U.K. Limited v Tanzania</i> , ICSID Case No. ARB/20/38, Award, 14 July 2023	14 July 2023