

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT  
DISPUTES**

**LION MEXICO CONSOLIDATED LP**

**Claimant**

**v.**

**UNITED MEXICAN STATES**

**Respondent**

**(ICSID Case No. ARB(AF)/15/2)**

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**PROCEDURAL ORDER NO. 8**  
**(on Claimant's request for production of documents)**

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*Members of the Tribunal*

Juan Fernández-Armesto, President of the Tribunal

David J.A. Cairns, Arbitrator

Laurence Boisson de Chazournes, Arbitrator

*Secretary of the Tribunal*

Francisco Grob

*Assistant to the Tribunal*

Luis Fernando Rodríguez

Washington D.C., January 3, 2019

## WHEREAS

1. This arbitration arises between Lion Mexico Consolidated LP and the United Mexican States [**“Mexico”** or **“Respondent”**] under the North American Free Trade Agreement [**“NAFTA”**]. Claimant and Respondent shall be jointly referred to as the **Parties**.
2. On October 14, 2016 the Tribunal issued Procedural Order No. 1 [**“PO 1”**], after receiving the Parties’ comments<sup>1</sup>. According to paragraph 17.1 of PO 1, each Party shall be entitled to request production of documents at the stages set out in Annex A.
3. On August 6, 2018 Mexico submitted its requests for the production of documents. Claimant filed its response to Respondent’s request one week later, according the procedural calendar (Annex A to PO 1).
4. On August 20, 2018 Claimant submitted the final version of the document production schedule, containing the arguments of both Parties and their agreements and disagreements on each request.
5. On September 3, 2018 the Tribunal issued Procedural Order No. 6, ruling on Mexico’s requests for production of documents.
6. On October 26, 2018 Mexico submitted its Counter-Memorial on the Merits.
7. On November 12, 2018 Claimant submitted its requests for the production of documents, pursuant to the procedural calendar (Annex A to PO 1).
8. On December 13, 2018 Mexico submitted to the Tribunal the final version of the document production schedule, containing the arguments of both Parties and their agreements and disagreements on each request.
9. This Order is made in accordance with Section 17 and Annex A of PO 1, which establish certain rules and deadlines for the Tribunal to decide on document production requests.

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<sup>1</sup> Lion’s and Mexico’s communications of September 12, 2016, and Lion’s communication of September 25, 2016.

## **I. GUIDELINES FOR RULING ON REQUESTS**

10. Paragraph 13.1 of PO 1 provides that the Parties and the Tribunal will be guided by the International Bar Association Rules on the Taking of Evidence in International Arbitration (2010) [**“IBA Rules”**] for the production of documents in this arbitration, but they are not legally bound by them.
11. Both Parties have made and exchanged their arguments referring to the IBA Rules<sup>2</sup>.
12. This section summarizes the guidelines provided by the IBA Rules, upon the basis of which decisions on each specific request are made in Section III below.

### **1. DEFINITION OF DOCUMENT**

13. The “Definitions” section of the IBA Rules includes the following definition of document:

*“Document”* means a writing, communication, picture, drawing, program or data of any kind, whether recorded or maintained on paper or by electronic, audio, visual or any other means”.

14. The same definition will be used in this Order and in the Tribunal’s decisions set out below.

### **2. REQUIREMENTS**

15. The Tribunal will grant the request for production of those Documents that meet the following requirements [**“R”**]:

#### **2.1 “R1”: IDENTIFICATION OF EACH DOCUMENT OR DESCRIPTION OF A NARROW AND SPECIFIC CATEGORY<sup>3</sup>**

16. The description must be in sufficient detail to identify the requested Document.
17. If the request is for a category of Documents, the following additional requirements must be met:
  - a clear and well defined characterization of a narrow and specific category has been provided;
  - circumstantial evidence of the putative existence of the category has been marshalled;

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<sup>2</sup> See Claimant’s Request for Production of Documents, pp. 3 and 5, as submitted on December 14, 2018.

<sup>3</sup> Art. 3.3 (a) (i) and (ii) IBA Rules.

- the name of the person, authority or entity which has issued the category of Documents has been provided;
- the initial and the final date of a narrow time period, during which the Documents belonging to the category were issued, has been identified.
- if the category may include email communications, the request specifies the custodians and search terms for the Documents requested.

## **2.2 “R2”: RELEVANT AND MATERIAL<sup>4</sup>**

18. The requesting Party has proved that the Documents are relevant to the case and material to its outcome by identifying the specific paragraph in its submission for which evidentiary support by way of document production is requested.

19. Documents

- referred to in other Documents that have already been submitted,
- mentioned in witness statements or in expert reports, or
- relied upon by experts to prepare their expert reports (but excluding working papers used by experts),

will, as a general rule, be considered relevant.

## **2.3 “R3”: NOT IN THE POSSESSION, CUSTODY OR CONTROL OF THE REQUESTING PARTY<sup>5</sup>**

20. The requesting Party must aver that the Documents sought are not in its possession, custody or control, and explain why it assumes that the Documents are in the possession, custody or control of the counterparty. The request will be rejected if the Documents are located in the premises or under the control of a third party, to which the requesting Party has access.

## **3. OBJECTIONS**

21. The IBA Rules provide for a number of objections to the production of Documents. Further to alleging failure to satisfy any of the previously established requirements

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<sup>4</sup> Arts. 3.3 (b) and 9.2 (a) IBA Rules.

<sup>5</sup> Art. 3.3 (c) (i) and (ii) IBA Rules.

(R1 to R3), a Party may object to a request for production in the following cases [“O”]<sup>6</sup>:

**3.1 “O1”: LEGAL OR SETTLEMENT PRIVILEGE<sup>7</sup>**

22. The requested Party may invoke privilege with regard to Documents prepared by or addressed to counsel, pertaining to the provision of legal advice, and given or received with the expectation that such Documents would be kept confidential.
23. In general, a Document needs to meet the following requirements in order to be granted special protection under legal privilege<sup>8</sup>:
  - The Document has to be drafted by a lawyer acting in his or her capacity as a lawyer, or addressed to a lawyer seeking his or her legal advice;
  - A relationship based on trust must exist as between the lawyer (in-house or external legal advisor) and the client;
  - The Document has to be elaborated for the purpose of obtaining or giving legal advice;
  - The lawyer and the client, when giving and obtaining legal advice, must have acted with the expectation that the advice would be kept confidential in a contentious situation.
24. A requested Party may also invoke privilege with regard to Documents prepared by or for a Party or their representative or counsel in anticipation of litigation or arbitration. For the avoidance of doubt, drafts, working papers, or any other documentation created by an expert, and any communications between the expert and a Party or its counsel, for purposes of providing expert evidence in litigation or arbitration, shall be privileged from production and shall not be produced in the arbitration.
25. A requested Party may also invoke privilege regarding Documents prepared in connection with settlement negotiations<sup>9</sup>, including
  - internal Documents prepared specifically for negotiations,

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<sup>6</sup> Art. 3.5 IBA Rules.

<sup>7</sup> Art. 9.2 (b) IBA Rules.

<sup>8</sup> *Vito G. Gallo v. The Government of Canada*, NAFTA-UNCITRAL, Procedural Order No. 3, April 8, 2009, para. 47.

<sup>9</sup> Art. 9.3 (b) IBA Rules.

- oral or written statements submitted to the other side during negotiations, and
- drafts or final versions of any settlement agreements.

**3.2 “O2”: PRODUCTION IS UNREASONABLY BURDENSOME<sup>10</sup>**

26. The requested Party may object to the production of Documents on the basis that it would impose an unreasonable burden. In making its decision, the Tribunal will weigh time and cost of producing the Documents against their expected evidentiary value. The Tribunal may also reduce the scope of production to avoid unreasonable burden.

**3.3 “O3”: LOSS, DESTRUCTION OR INEXISTENCE<sup>11</sup>**

27. The requested Party may object to the production of Documents if it shows, with reasonable likelihood, that they have been lost or destroyed, or do not exist for other reasons.

**3.4 “O4”: TECHNICAL OR COMMERCIAL CONFIDENTIALITY<sup>12</sup>**

28. A Party may request that a Document should not be produced, alleging compelling grounds of technical or commercial confidentiality.

**3.5 “O5”: SPECIAL POLITICAL OR INSTITUTIONAL SENSITIVITY<sup>13</sup>**

29. A Party may request that a Document should not be produced, alleging grounds of special political or institutional sensitivity (including evidence that has been classified as secret by a government or a public international institution) that the Tribunal determines to be compelling.

**3.6 “O6”: PRODUCTION WOULD AFFECT THE FAIRNESS OR EQUALITY OF THE PROCEDURE<sup>14</sup>**

30. Documents will not be ordered to be produced when the Tribunal finds considerations of procedural economy, proportionality, fairness or equality of the Parties that it determines to be compelling.

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<sup>10</sup> Art. 9.2 (c) IBA Rules.

<sup>11</sup> Art. 9.2 (d) IBA Rules.

<sup>12</sup> Art. 9.2 (e) IBA Rules.

<sup>13</sup> Art. 9.2 (f) IBA Rules.

<sup>14</sup> Art. 9.2 (g) IBA Rules.

## **II. DECISION OF THE ARBITRAL TRIBUNAL**

31. The Tribunal hereby decides each of the requests for document production as set out in Section III (“Document Production Schedule”) of this PO.
32. In its requests Claimant has drafted and used the following definitions, which are relevant for the Tribunal’s decision in Section III:
- **Amparo Court (or Remand Court):** First Civil District Court of the State of Jalisco.
  - **Amparo Proceedings:** proceedings registered with docket number 1324/2012 brought by LMC before the *Amparo* Court.
  - **Appeal Court:** Second Collegiate Civil Tribunal of the State of Jalisco.
  - **Cancellation Court:** 9<sup>th</sup> Commercial Judge of the First Judicial Party of the State of Jalisco.
  - **Cancellation Proceedings:** commercial proceedings (*demanda mercantil ordinaria*) under docket number 917/2012 before the Cancellation Court, brought by Inmobiliaria Bains, S.A. de C.V., C&C Capital, S.A. de C.V., and C&C Ingeniería y Proyectos, S.A. de C.V., against Lion Mexico Consolidated, L.P.
  - **Debtors:** Inmobiliaria Bains, S.A. de C.V., C&C Capital, S.A. de C.V., and C&C Ingeniería y Proyectos, S.A. de C.V.
  - **Foreclosure Court:** 39<sup>th</sup> Civil Court in Mexico City.
  - **Foreclosure Proceedings:** foreclosure proceedings (*juicio especial hipotecario*) under docket number 482/2012, brought by LMC against the Debtors before the Foreclosure Court.
  - **Guadalajara Mortgages:** Protocol Mortgage No. 7.820 of 13 June 2007 over a property located in Guadalajara, Jalisco, recorded under Sheet 117,850 of the Public Property Registry of the City of Guadalajara, Jalisco on 23 November 2007; and Protocol Mortgage No. 7.895 over a property located in Guadalajara and recorded under Sheet 2,000,954 of the Public Property Registry of the City of Guadalajara, Jalisco on 6 December 2007.
  - **Guadalajara Properties:** properties identified as: (i) Finca marcada con el número 2,407 de la calle Río de la Plata, construida por el lote formado por la fracción tercera de la antigua Hacienda La Providencia en Guadalajara, Jalisco, con superficie aproximada de 6,143 m<sup>2</sup>; and (ii) casa habitación marcada con el número 1,785 de la Avenida Américas, esquina calle Río de la Plata y Avenida Montevideo, fraccionamiento Jardines de Providencia, del sector hidalgo, construida sobre la fracción de terreno que es parte de la fracción tercera de la

antigua Hacienda la Providencia en Guadalajara, Jalisco, con superficie aproximada de 9,335 m<sup>2</sup>.

- **Nayarit Mortgage:** Protocol Mortgage No. 92.496 of 2 April 2008 over the Nayarit Property, recorded under Book 285, section II, A-13 of the Public Property and Commercial Registry of Bucerías, Nayarit on 19 May 2008.
- **Nayarit Property:** property identified as Fraction A resultante de la subdivision de la Fusión de los Lotes 3-A, 4-A, 4-B, 5-A y 5-B del Predio rústico denominado “San Ignacio de la Cruz” ubicado en la Cruz de Huanacastle, Municipio de Bahía de Banderas, con una superficie de 373,557.895 m<sup>2</sup>”, in the State of Nayarit.
- **Properties:** Guadalajara and Nayarit Properties.

[Signed]

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Juan Fernández-Armesto  
President of the Tribunal

Place of Arbitration: Washington D.C., USA  
Date: January 3, 2019

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
1.	<p>Any Internal Documents<sup>15</sup> issued or received by the personnel of the (i) <i>Supremo Tribunal de Justicia del Estado de Jalisco</i>; and (ii) the civil courts of Jalisco<sup>16</sup> that were requested to assist in the service of the Foreclosure Proceedings on the Debtors, in connection with the several attempts to serve these proceedings on the Debtors.</p>	<p>These documents will shed light on the circumstances under which the service of the Foreclosure Proceedings on the Debtors was carried out by the relevant local Courts.</p> <p>The Respondent holds that the Courts did everything within the legal framework to serve the Debtors and that it was the "<i>Claimant's own lack of diligence that</i></p>	<p>La Demandada objeta la solicitud. Ver objeción general por falta de especificidad.</p> <p>No obstante, la Demandada desea señalar que en la medida en que esta solicitud se refiera a autos u oficios, emitidos o recibidos por el Tribunal Superior de Justicia de Jalisco, los Juzgados Tercero y Cuarto de lo</p>	<p>The Respondent's objection for lack of specificity has no merit. The request for these Internal Documents is limited to those issued or received by the personnel of the (i) <i>Supremo Tribunal de Justicia del Estado de Jalisco</i>; and (ii) the civil courts of Jalisco referred in Footnote 16 below (<i>Juzgado Tercero de lo Civil del Primer Partido Judicial de Guadalajara, Estado de</i></p>	<p><b>The request meets requirements R1, R2, and R3 and therefore is GRANTED as narrowed down by the Tribunal: Respondent must produce those Documents dated between 3 April 2012 and 10 December 2015 (see paras. 35 and</b></p>

<sup>15</sup> "Internal Documents" means "any document of any kind, including but not limited to notes, minutes, reports, emails, memoranda, legal opinions, drafts or transcripts, records, in any physical or electronic form, including documents stored on computer or storage systems or servers and including, as the case may be, documents deleted, archived or placed on back-up storage, which have not been shared with the parties to LMC".

<sup>16</sup> *Juzgado Tercero de lo Civil del Primer Partido Judicial de Guadalajara, Estado de Jalisco; Juzgado Cuarto de lo Civil del Primer Partido Judicial de Guadalajara*, and any other civil Court of the State of Jalisco involved in the notification of the Cancellation Proceedings.

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p><i>explains the protracted process of serving the Debtors"</i> (par. 48 – 49 of Mexico's Counter Memorial). The Claimant's position is that there were irregularities committed by the local Courts in respect of the service of the Foreclosure Proceedings on the Debtors (par. 38 - 40 of LMC's Statement of Claim), which prevented the Claimant from</p>	<p>Civil del Primer Partido Judicial de Guadalajara, tales como:</p> <p>1.1. Auto de fecha 15 de mayo de 2012 mediante el cual se remite al Juez Tercero de lo Civil de Jalisco el exhorto enviado por el Juez 39 de lo Civil de la Ciudad de México.</p> <p>-</p>	<p><i>Jalisco; Juzgado Cuarto de lo Civil del Primer Partido Judicial de Guadalajara</i>, and any other civil Court of the State of Jalisco involved in the notification of the Cancellation Proceedings), strictly in connection with the attempts to serve the Foreclosure Proceedings on the Debtors. These attempts to serve these proceedings took place over a specific period of time: from the moment following the submission of the claim by</p>	<p><b>176 of Claimant's Memorial), issued or received by the personnel of the (i) Supremo Tribunal de Justicia del Estado de Jalisco<sup>17</sup>; and (ii) the civil courts of Jalisco, that were requested to assist in the service of the Foreclosure Proceedings on the Debtors, in connection with</b></p>

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<sup>17</sup> *Juzgado Tercero de lo Civil del Primer Partido Judicial de Guadalajara, Estado de Jalisco; Juzgado Cuarto de lo Civil del Primer Partido Judicial de Guadalajara*, and any other civil Court of the State of Jalisco involved in the notification of the Cancellation Proceedings.

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p>foreclosing the Nayarit Mortgage.</p> <p>These documents, which are not in possession of the Claimant and can only be in possession of the Mexican State Courts, are relevant to prove these contentions by both parties and are material to determine if any irregularities were committed by the State Courts and thus, whether the Claimant was accorded a fair and equitable treatment or not.</p>	<p>1.2.Auto de fecha 25 de mayo de 2012 por el cual el Juez Tercero de lo Civil de Guadalajara, Jalisco, remite exhorto sin diligenciar.</p> <p>-</p> <p>1.3.Auto de fecha 14 de agosto de 2012 por medio del cual la Juez 4 de lo Civil recibe y admite el exhorto, instruyendo al notificador del juzgado para llevar a cabo la diligencia.</p>	<p>LMC on 12 April 2012 until LMC's waiver of these proceedings, on 10 December 2015.</p> <p>The Claimant clarifies that the documents the production of which is requested are those described under this request except for the ones included in Exhibit C-047. Therefore, the Claimant is not in possession of the documents requested.</p>	<p><b>the several attempts to serve these proceedings on the Debtors.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
			<p>1.4.Oficio de fecha 16 de agosto de 2012 mediante el cual se remite el exhorto parcialmente diligenciado al Secretario de Acuerdos del Supremo Tribunal de Justicia del Estado de Jalisco;</p> <p>estos documentos fueron presentados por la Demandantes como Anexo C-47 y forman parte del expediente en el juicio hipotecario del cual es parte la Demandante, por</p>		

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
			lo que obran en posesión de la Demandante.		
2.	Any Internal Documents issued or received by the personnel of the (i) <i>Supremo Tribunal de Justicia del Estado de Nayarit</i> ; and (ii) the civil courts of Nayarit <sup>18</sup> that were requested to assist in the service of the Foreclosure Proceedings on the Debtors, in connection with the several attempts to serve these proceedings on the Debtors.	Vid. comments on relevance and materiality on request n° 1.	<p>La Demandada objeta la solicitud. Ver objeción general por falta de especificidad.</p> <p>En la medida en la que esta solicitud se refiera a autos, oficios, emitidos o recibidos por el Supremo Tribunal de Justicia del Estado de Nayarit y el Juzgado Primero de lo Civil de Primera Instancia</p>	Vid. LMC's reply to the objections to the request n° 1.	<b>The request meets the requirements R1, R2, and R3 and is GRANTED as narrowed down by the Tribunal: Respondent must produce those Documents dated between 3 April 2012 and 10 December 2015 (see paras. 35 and</b>

<sup>18</sup> *Juzgado Primero Civil de Primera Instancia de Bucerías, Bahía de Banderas, Nayarit*, and any other civil Court of the State of Nayarit involved in the notification of the Foreclosure Proceedings.

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
			<p>del Primer Partido Judicial del Estado de Nayarit, tales como:</p> <p>a) Auto de fecha 6 de noviembre de 2013 del Juez del Juzgado Primero de Primera Instancia del Ramo Civil mediante el cual se tiene por recibido el exhorto, sin embargo, se estima que no se encuentra a derecho.</p> <p>b) Auto de fecha 14 de febrero de 2014 por medio del cual el Juez</p>		<p><b>176 of Claimant's Memorial), issued or received by the personnel of the (i) Supremo Tribunal de Justicia del Estado de Nayarit; and (ii) the civil courts of Nayarit<sup>19</sup>, that were requested to assist in the service of the Foreclosure Proceedings on the Debtors, in connection with</b></p>

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<sup>19</sup> *Juzgado Primero Civil de Primera Instancia de Bucerías, Bahía de Banderas, Nayarit*, and any other civil Court of the State of Nayarit involved in the notification of the Foreclosure Proceedings.

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
			<p>Primero de Primera Instancia del Ramo Civil tiene por recibido el exhorto y ordena su diligencia.</p> <p>c) Oficio de fecha 22 de abril de 2014 por medio del cual el Juez Primero de Primera Instancia del Ramo Civil de Bucerías remite sin diligenciar el exhorto;</p> <p>estos documentos fueron presentados por la Demandantes como Anexo C-47 y forman parte del expediente en el juicio hipotecario del cual es parte la Demandante, por</p>		<p><b>the several attempts to serve these proceedings on the Debtors.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
			lo que obran en posesión de la Demandante.		
3.	<p>Any Internal Documents issued or received by the personnel of the Cancellation Court, in connection with the service of the Cancellation Proceedings to LMC, in the person of Mr. José Isaac López Medina.</p>	<p>These documents will provide more clarity about the circumstances under which the service of the Cancellation Proceedings took place on the person of Mr. José Isaac López Medina, a person completely alien to LMC, and at an address unrelated to LMC.</p> <p>The Respondent contends that the Cancellation Court complied with the standard procedure to notify LMC (par. 71 – 78</p>	<p>La Demandada objeta la solicitud. Ver objeción general por falta de especificidad.</p> <p>La Demandada, desea resaltar que en la medida en que esta solicitud se refiera a las constancias relativas a la notificación de LMC en el Juicio Ordinario Mercantil 917/2012, estos documentos fueron presentados tanto por la Demandante y la Demandada y se</p>	<p>The Respondent's objection for lack of specificity has no merit. The request for these Internal Documents is limited to those issued or received by the personnel of the Cancellation Court strictly in connection with the service of the Cancellation Proceedings to LMC, in the person of Mr. José Isaac López Medina, at the address calle Tomás V, Gómez 95, despacho 7, Colonia Ladrón de Guevara, which took place on 4 April 2012.</p>	<p><b>The request meets the requirements R1, R2, and R3 and is therefore GRANTED.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p>of Mexico's Counter Memorial) namely, that the Court's staff must only "<i>ascertain that the Defendant resides at the domicile of service, clarifying that the word "ascertain" implies the certification, attestation or corroboration of the information provided by the plaintiff in its initial claim</i>" (Witness Statement of Mr. Calva, answer to question 3, p. 3). The position of the Claimant is that the service of the Cancellation Proceedings was improper and that as</p>	<p>encuentran en el expediente como C-57.03 y C-57.04.</p>	<p>Therefore, the documents requested must have been issued or received in the two weeks prior or after that specific date where the irregular service of the proceedings took place.</p> <p>The Claimant clarifies that the documents the production of which is requested are those described under this request except for those already included in Exhibits C-57.03 and C-57.04. Therefore, the Claimant is not in possession of the documents requested.</p>	

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p>a consequence, these proceedings were conducted in breach of the Claimant's right to be heard.</p> <p>These documents, which are not in possession of the Claimant and can only be in the possession of the Cancellation Court or other public authorities, are relevant to assess the grounds for the allegations made by both parties in this respect and are material because they will show whether any irregularities were committed by the</p>			

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		Cancellation Court in the service of the Cancellation Proceedings to a person unrelated to LMC.			
4.	A true and complete copy (" <i>copia fiel</i> ") of all the original pages of all the books, records, folders ( <i>legajos</i> ) or any other documents, including all notes ( <i>notas al calce</i> and <i>notas al margen</i> ) of the Registro Público de la Propiedad of Bucerías, in Nayarit, which refer to the Nayarit Property, between 5 March 2008, and the present	<p>These documents are crucial to have a complete picture of all the records that were registered in the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in respect of the Nayarit Property.</p> <p>The Claimant does not have access to the complete records of the Public Registry in respect of this property and thus, it is unable to assess the</p>	<p>La Demandada objeta la solicitud. Ver objeción general por falta de especificidad.</p> <p>Por lo que se refiere a los documentos que sí han sido identificados (i.e., los incisos a, b, d, e, g, i, y j), la Demandada objeta esta solicitud de conformidad con el Artículo 9(2)(c) de las Reglas de la IBA y la OP No. 6, en razón de que</p>	<p>The Respondent's objection for lack of specificity has no merit. The request for a complete and true copy of the records related to the Nayarit Property registered in Registro Público de la Propiedad of Bucerías, in Nayarit, cannot be more specific: the Claimant requests a literal copy of all the records under the registry related to one specific</p>	<p><b>The request meets the requirements R1, R2, and R3 and is therefore GRANTED.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<p>day, including but not limited to:</p> <p>a. <u>Sección I, Libro 481, Serie "A", Partida 19, which records the Nayarit Property;</u></p> <p>b. <u>Sección I, Libro 481, Serie "A", Partida 19BIS, which records the Nayarit Property;</u></p> <p>c. <u>Any other records related to the Nayarit Property in the period of reference in any books of Sección I;</u></p>	<p>circumstances under which the Nayarit Mortgage was cancelled on 19 October 2012, despite the fact that the Foreclosure Proceedings were previously recorded in the Public Property Registry of Nayarit in respect of the Nayarit Mortgage and that, as a consequence, the Public Registry was prevented from cancelling the Nayarit Mortgage. The Respondent's expert, Dr. Ovalle, has acknowledged that this cancellation was irregular (Expert Report of Dr.</p>	<p>la Demandante puede obtener la información, ya que, de acuerdo con el artículo 49 de la Ley Catastral y Registral de Nayarit, la función del Registro Público consiste en proporcionar el servicio de dar publicidad a los actos jurídicos. Por lo anterior, la Demandante puede solicitar los documentos directamente en la Oficina del Registro Público.</p> <p>Así mismo, de conformidad con lo</p>	<p>property, the Nayarit Property, including those described under letters a) to k) of this request n° 4, and only for a specific period of time (between 5 March 2008 and the present day). In addition, the records corresponding to the Nayarit Property have been invoked by the Respondent, by relying upon Exhibit R-033.</p> <p>Contrary to what the Respondent contends, the Claimant cannot obtain the documents requested directly from the <i>Oficina del Registro Público</i>. Under the <i>Ley Catastral y Registral de</i></p>	

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<p>d. <u>Sección II, Libro 285, Serie "A", Partida 13, which records the Nayarit Mortgage;</u></p> <p>e. <u>Sección II, Libro 8, Serie "C", Partida 26, which records the Foreclosure Proceedings;</u></p> <p>f. <u>Any other records related to the Nayarit Property, the Nayarit Mortgage and the Foreclosure Proceedings in any books of Sección II.</u></p> <p>g. <u>Legajo 04 de Cancelaciones,</u></p>	<p>José Ovalle Favela, para. 106).</p> <p>The Respondent has provided as Exhibit R-033 only a summary of the records registered in respect of the Nayarit Property since 19 May 2008 to the present day, prepared on 3 September 2018 by the <i>Jefe Registrador de la Oficina Distrital de Bucerías, Nayarit</i>. This summary, however, does not contain the complete records of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in respect of the Nayarit</p>	<p>dispuesto en el apartado 2.3 la OP No 6 (¶ 18):</p> <p>“The request will be rejected if the Documents are located in the premises or under the control of a third party, to which the <u>requesting Party has access</u>”</p>	<p><i>Nayarit</i> and its Regulation, the Claimant is entitled to request certificates (“<i>certificaciones</i>”), namely:</p> <p>a. <i>Constancia de antecedentes registrales</i> (a statement of the inscriptions registered in the books (<i>libros</i> or <i>folios reales electrónicos</i>), as well as certificates of the existence of any inscription in respect of a particular property);</p> <p>b. <i>Certificado de libertad o de gravamen</i> (confirmation of the existence of mortgages, loans or other</p>	

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	<p><u>partida 24, which records the cancelation of the Nayarit Mortgage, of 16 October 2012.</u></p> <p>h. <u>Any other records of any book or folder (Legajo) of the Registry which refers to the cancelation of the Nayarit Mortgage.</u></p> <p>i. <u>Any records of the "Legajo de Correspondencia" which refers to the Nayarit Property, the Nayarit Mortgage and/or the</u></p>	<p>Property and does not provide a copy of the contemporary documents which recorded the legal acts in question during the relevant period. This relevant period goes from 5 March 2008 (date of registration of public instrument 57,847 (fusion of lots registered in Libro 481, Sección I, Serie "A", Partida 19 referred as Annex I of Exhibit R-033, page 8) to the present day. Such complete record taken from the original copies of the Public Registry is required for the Claimant to</p>		<p>encumbrances on the property or on whether the property is free from any encumbrances);</p> <p>c. <i>Certificado de no inscripción</i> (document stating that a property is not registered); and</p> <p>d. <i>Copias certificadas de escrituras públicas</i> (i.e certifies copies of public deeds such as that of a mortgage or a sale).</p> <p>The above mentioned certificates are reports prepared by the Registrar in question, but do not constitute a true and complete copy ("<i>copia fiel</i>") of the books, records, folders</p>	

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	<p data-bbox="324 598 504 662"><u>Foreclosure Proceedings;</u></p> <p data-bbox="246 702 616 1220">j. <u>Copy of the check or transfer of the funds or any other evidence of payment ("pago de derechos") to pay the registration of the cancellation of the Foreclosure Proceedings entry and of the cancellation of the Nayarit Mortgage in respect of the Nayarit Mortgage; and</u></p> <p data-bbox="246 1252 616 1356">k. <u>Any correction of any of the documents or records referred</u></p>	<p data-bbox="638 598 974 742">understand how the cancellation of the Nayarit Mortgage took place.</p> <p data-bbox="638 758 974 1348">These documents are relevant to one of the core matters in dispute in the arbitration: whether LMC's Nayarit Mortgage was expropriated through the irregular actions of the officials of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit. Both parties have addressed this matter in their pleadings (see par. 80 – 84 of Mexico's Counter Memorial and par. 116-</p>		<p data-bbox="1366 598 1736 965"><i>(legajos)</i> and other documents, in respect of the Nayarit Property registered in the <i>Registro Público de la Propiedad of Bucerías</i>, as requested by the Claimant under this request n° 4. Therefore, the Claimant does not have access to these documents requested.</p> <p data-bbox="1366 981 1736 1348">These true copies are necessary to prove the irregularities committed by the <i>Registro Público de la Propiedad of Bucerías</i>. In any event, even if the Claimant could try to obtain these documents directly from the <i>Registro Público de la Propiedad of Bucerías</i></p>	

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	<p><u>above (i.e. subsections a) to i)) in respect of the Nayarit Property.</u></p>	<p>120; 287-292 of LMC's Statement of Claim). The complete records of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit in respect of the Nayarit Property are material to assess any irregularities committed by the Mexican authorities in respect of the cancellation of the Nayarit Mortgage and whether the destruction of LMC's propriety rights was illegal and in breach of due process.</p>		<p>under the principle of publicity invoked by the Respondent (which is not the case), this would be too onerous for the Claimant, as the result of such request would be uncertain because it is not the practice of the Public Registries to issue literal copies of all the records in relation to a property.</p>	
5.	Any Internal Document or legal analysis or opinion,	These documents, to which the Claimant has	La Demandada objeta la solicitud por su falta de	Contrary to what the Respondent argues, this	<b>The request meets the requirements</b>

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	<p>including any <i>calificación registral</i>, final or draft, issued by any members of the personnel of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit (including, but not limited to: (i) <i>Registrador</i>; (ii) <i>Encargado de Oficina del Registro Público de la Propiedad</i>; (iii) <i>Jefe de la Oficina Registral</i>; (iv) <i>Director del Registro Público de la Propiedad</i>; (v) <i>Instituto Catastral y Registral del Estado de Nayarit</i>; and (vi) any employee or assistant to any of the latter), in respect of any of the records related to</p>	<p>no access, will show whether any legal analysis was carried out by the authorities in charge of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in respect of the Nayarit Property; namely, whether a "<i>calificación registral</i>" was made in respect of the inscription of LMC's Foreclosure Proceedings and in respect of the cancellation of the Nayarit Mortgage. The Respondent's legal expert refers to the relevance of this "<i>calificación registral</i>"</p>	<p>especificidad, como se explicó en la objeción general.</p> <p>En la medida en que existan opiniones y/o análisis legales, la Demandada objeta esta solicitud, en virtud de que los documentos, estarían cubiertos por obligaciones de secreto profesional (<i>privilege</i>).</p> <p>La Demandada objeta esta solicitud de conformidad con el Artículo 9(2)(c) de las Reglas de la IBA y la OP</p>	<p>request for documents does not lack specificity, as it only covers those showing the legal analysis (namely, the <i>calificación registral</i>) carried out by the personnel of the <i>Registro Público de la Propiedad of Bucerías</i> respect of any of the records related to the Nayarit Property, and more precisely, those that led to the registration of the Nayarit Mortgage, the Foreclosure Proceedings and the cancellation of the Nayarit Mortgage and only for a specific period of time (between 19 May 2008 and the present day). This period</p>	<p><b>R1, R2, and R3 and therefore is GRANTED as narrowed down by the Tribunal: Respondent must produce those Documents that fulfil the following conditions:</b></p> <p><b>(1) Include a legal analysis or legal opinion about the Nayarit Property, the Nayarit Mortgage, the Foreclosure Proceedings and the cancellation of</b></p>

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	<p>the Nayarit Property, the Nayarit Mortgage, the Foreclosure Proceedings and the cancellation of the Nayarit Mortgage, between 19 May 2008 and the present day.</p>	<p>(par. 109 of Expert report of Dr. José Ovalle Favela), which is necessary to decide whether a recording of a certain act takes place or not.</p> <p>The relevance of these documents to the matters in dispute is clear, as they refer to the circumstances under which the expropriation of the Nayarit Mortgage took place. These documents are material because they would allow to determine the irregularities committed by the Mexican authorities in</p>	<p>No. 6, en razón de que la Demandante puede obtener la información, ya que de acuerdo con el artículo 49 de la Ley Catastral y Registral de Nayarit, la función del Registro Público consiste en proporcionar el servicio de dar publicidad a los actos jurídicos.</p> <p>La Demandante señala que no tiene acceso a estos documentos. Sin embargo, el Registro Público se rige por los principios de máxima publicidad, razón por la que la Demandante puede solicitar estos</p>	<p>of time corresponds, precisely, to the range covered by Exhibit R-033, relied upon by Respondent.</p> <p>Further, these documents are not "<i>privileged</i>", as the Respondent contends, because they were not "<i>made in connection with and for the purpose of providing or obtaining legal advice</i>" (Article 9.3(a) of the IBA Rules). On the contrary, these documents reflect the legal analysis made by the Registrar in order to decide whether to admit, dismiss or suspend a request for the registration of a certain act, which is decision taken while</p>	<p><b>the Nayarit Mortgage</b></p> <p><b>(2) Be drafted by any of the following personnel of the Registro Público de la Propiedad of Bucerías, in Nayarit: Registrador; Encargado de Oficina del Registro Público de la Propiedad; Jefe de la Oficina Registral; or the Director del Registro Público</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p>respect of the cancellation of the Nayarit Mortgage and whether the destruction of LMC's propriety rights was illegal and in breach of due process.</p>	<p>documentos a la Oficina del Registro Público de Nayarit. De conformidad con lo dispuesto en el apartado 2.3 la OP No 6 (¶ 18):</p> <p>“The request will be rejected if the Documents are located in the premises or under the control of a third party, to which the requesting Party has access”.</p> <p>Por último, la Demandada objeta la presente solicitud por considerar que los</p>	<p>exercising a public "act of authority" in accordance with the law (par. 109 of Expert report of Dr. José Ovalle Favela).</p> <p>The Respondent's argument that these documents are privileged is made in contradiction to its other statement that these documents are covered by the principle of publicity of the Public Registry and thus, that the Claimant could directly obtain them from the <i>Registro Público de la Propiedad of Bucerías</i>. In fact, whereas these documents refer to the public function carried out by the</p>	<p><b>de la Propiedad; and</b></p> <p><b>(3) Dated between 19 May 2008 and the present day.</b></p>

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			<p>documentos requeridos no son relevantes para el caso ni sustanciales para su resolución. Además del señalamiento genérico en el sentido de que los documentos “permitirán determinar las irregularidades cometidas por las autoridades mexicanas” la Demandante ha omitido explicar la relevancia de los documentos o la razón por la cual se consideran sustanciales para la resolución del caso.</p>	<p>Registrar, the Claimant is not able to obtain them directly from the <i>Registro Público de la Propiedad of Bucerías</i>, as this is not the kind of information that is customarily provided by the Registry. Therefore, the Claimant has no access to the documents requested.</p> <p>It should also be emphasized that it was the Respondent’s legal expert who made reference in his report to the importance of the “<i>calificación registral</i>”, which must be carried out in order to determine whether the inscription of a certain act at the registry is appropriate</p>	

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				(par. 109 of Expert report of Dr. José Ovalle Favela). Consequently, the documents requested are relevant to determine whether such <i>calificación registral</i> was conducted, specially prior to the cancellation of the Nayarit Mortgage.	
6.	Any document or request received by the <i>Registro Público de la Propiedad of Bucerías</i> , in Nayarit, from a Notary Public, Court or any other person or entity in relation to the Nayarit Property, including all " <i>avisos preventivos</i> " (other	Public Registries receive communications, namely from Public Notaries, but also from the Courts, in respect of any actions affecting the properties registered therein. The communications received	La Demandada objeta la solicitud por su falta de especificidad, como se explicó en la objeción general.  La Demandante señala que no tiene acceso a estos documentos, sin embargo,	The request for these documents is specific, as the documents requested have been identified precisely: those received by the <i>Registro Público de la Propiedad of Bucerías</i> from a Court or any other person or entity in relation to the	<b>The request meets the requirements R1, R2, and R3 and is GRANTED as narrowed down by the Tribunal: Respondent must produce any</b>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<p>than the "<i>segundo aviso preventivo</i>" included at page 43 of Exhibit C-010) covering the period between 19 May 2008 (date of inscription of the Nayarit Mortgage) and 16 October 2012 (date of cancellation of the Nayarit Mortgage).</p>	<p>by the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in respect of the Nayarit Property will provide further information on the circumstances of the cancellation of the Nayarit Mortgage and on whether this was irregular considering that this took place despite the previous record of LMC's Foreclosure Proceedings.</p> <p>The Claimant has no access to these documents, which are relevant to the dispute in respect of the expropriation of the</p>	<p>como se ha señalado en las objeciones de la Demandada a las solicitudes números 4 y 5, el Registro Público se rige por los principios de máxima publicidad, razón por la que la Demandante puede solicitar estos documentos a la Oficina del Registro Público de Nayarit. De conformidad con lo dispuesto en el apartado 2.3 la OP No 6 (¶ 18):</p> <p>“The request will be rejected if the Documents are located in the premises or under the control of a</p>	<p>Nayarit Property and for a specified period of time: between 19 May 2008 and 16 October 2012.</p> <p>Further, this information cannot be directly obtained by the Claimant from the <i>Registro Público de la Propiedad of Bucerías</i>, as it is not covered by the principle of publicity mentioned by the Respondent. Therefore, the Claimant does not have access to these documents.</p> <p>Contrary to what the Respondent argues, the Claimant has not failed to explain why it considers that these documents exist and</p>	<p><b>Document received by the Registro Público de la Propiedad of Bucerías, in Nayarit, from a Notary Public, Court or any other person or entity, in relation to the Nayarit Property, dated between 19 May 2008 (date of inscription of the Nayarit Mortgage) and 16 October 2012 (date of cancellation of the Nayarit Mortgage).</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p>Nayarit Mortgage and material to determine any irregularities committed by the authorities in charge of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit.</p>	<p>third party, to which the <u>requesting Party has access</u>".</p> <p>La Demandada también objeta la solicitud debido a que la Demandante ha omitido explicar por qué considera que los documentos existen y se encuentran en poder de la Demandada como lo establece la OP 6 (¶ 18).</p> <p>Finalmente, se objeta la solicitud en atención a que la Demandante ha omitido explicar por qué considera que los documentos son</p>	<p>that the Respondent is in possession of them, as the OP 6 (¶ 18) establishes. Indeed, the Claimant has referred to the existence of one of the documents included in the category of the documents requested: "<i>segundo aviso preventivo</i>" included at page 43 of Exhibit C-010. This document proves that the <i>Registro Público de la Propiedad of Bucerías</i> does receive documents from other public authorities (Courts, Public Notaries) in relation to the Nayarit Property. While the Claimant could not directly</p>	

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			<p>relevantes para el caso y sustanciales para su resolución. La Demandante simplemente señala que los documentos “will provide further information on the circumstances of the cancellation of the Nayarit Mortgage”.</p>	<p>obtain these documents from the <i>Registro Público de la Propiedad of Bucerías</i>, the Respondent obviously has access to these, as it can simply inquire the <i>Registro Público de la Propiedad of Bucerías</i> in order to get them.</p> <p>Finally, these documents are relevant to the matters in dispute, as they would show the exact terms of the instructions received from any Public Notaries or Courts that led to registration of the acts related to the Nayarit Property, including any attempts to change the ownership of the Nayarit</p>	

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
				Property or to register or modify any encumbrances.	
7.	Copy of the <i>Oficio</i> DGCJCI.511.52.442.18 addressed by the <i>Directora General de Consultoría Jurídica y Comercio Internacional</i> to the <i>Registro Público de la Propiedad y del Comercio de Bucerías</i> , dated 7 August of 2018, the response to which has been submitted as Exhibit R-033.	The Respondent has submitted as Exhibit R-033 a summary of the records registered in respect of the Nayarit Property since 19 May 2008 to the present day. This summary has been issued as a response to the <i>Oficio</i> DGCJCI.511.52.442.18 addressed by the <i>Directora General de Consultoría Jurídica y Comercio Internacional</i> to the <i>Registro Público de</i>	La Demandada no objeta la presentación de este documento.		<b>The Tribunal takes notice.</b>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		<p><i>la Propiedad y del Comercio de Bucerías</i>, dated 7 August of 2018. The Respondent, however, has not provided such <i>Oficio</i> DGCJCI.511.52.442.18, which is relevant to the matters in dispute and material to determine the instructions provided to the Public Registry, in order to assess the content and integrity of the summary of the registry records provided. The Claimant has no access to such document.</p>			

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
8.	<p>Annexes to Exhibit R-033:</p> <p>i. <i>Copia certificada de la Escritura Pública 57,847 de la Notaría Pública número 73 de Guadalajara Jalisco (la cual contiene la Fusión de las Fracciones objeto del presente informe), Registrada en el Libro 481, Sección I, Serie "A", Partida 19.</i></p> <p>ii. <i>Copia certificada de la Escritura Pública número 92,496 del Notario Público 92 y 145 del D.F. (la cual contiene</i></p>	<p>Exhibit R-033 of the Respondent indicates that these three documents are enclosed with it, but the Respondent has not included them in Exhibit R-033.</p> <p>The Exhibit provided by the Respondent is thus, incomplete, and these documents are therefore relevant in order for the Claimant to assess the completion and actual content of the summary issued by the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in</p>	<p>La Demandada no objeta la presentación de este documento.</p>		<p><b>The Tribunal takes notice.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	iii. <i>Cancelación de Hipoteca), registrada en el Libro 285, Sección I, Serie "A", Partida 13. Copia certificada de la Escritura Pública número 10,816 del Notario Público 63 y 117 del Guadalajara Jalisco (la cual contiene la Compra Venta del inmueble objeto del presente informe a favor de "HOTELERA LOS TULES"), Registrada en el Libro 1255, Sección</i>	respect of the Nayarit Property.			

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<i>I, Serie "A", Partida 148.</i>				
9.	<p>In respect of the <i>Jefe de la Oficina del Registro de Bucerías</i> in 2012, Mr José Ricardo Alonso del Hoyo, the following documents:</p> <p>i. Copy of his <i>cédula profesional</i> and his title as <i>Licenciado en Derecho</i> and any other relevant degrees or qualifications to carry out his duties as <i>Jefe de la Oficina del Registro de Bucerías</i>;</p> <p>ii. Documents reflecting his appointment ("<i>nombramiento</i>") as</p>	<p>As shown in Exhibit C-088, Mr José Ricardo Alonso del Hoyo was the head of the Office of the Public Registry of Bucerías ("<i>Jefe de la Oficina del Registro de Bucerías</i>") on 16 October 2012, when the Nayarit Mortgage was cancelled.</p> <p>The Respondent's legal expert explains that "<i>for a public officer to carry out an authority act, it is necessary that that officer has the legal powers to do so</i>" and that "<i>article 22,</i></p>	<p>La Demandada objeta la solicitud en virtud de que los documentos no son relevantes para el caso ni sustanciales para su resolución, de conformidad con el Artículo 3(3)(b) y 9 (2) (a) así como con la Resolución y la OP No. 6. Se advierte además que la Demandante no ha argumentado con anterioridad que la designación del Sr. José Ricardo Alonso del Hoyo haya sido irregular. Así mismo, contrario a lo que</p>	<p>Contrary to what the Respondent argues, these documents are relevant and material to the Claimant's claims and their resolution, as proven by the Respondent's legal expert. Indeed, in his report, the Respondent's legal expert refers to the qualifications that a public authority must have in order to be able to carry out an authority act ("acto de autoridad" –par. 109 of Expert report of Dr. José Ovalle Favela–). Even if the Claimant had not expressly mentioned the</p>	<p><b>The request does not meet requirement R2 and is therefore DISMISSED. Claimant has not demonstrated that the appointment and legal qualifications of the Jefe de la Oficina del Registro de Bucerías are relevant for the adjudication of the case.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<p><i>Jefe de la Oficina del Registro de Bucerías.</i></p>	<p><i>section IV of the Public Property Registry of Jalisco empowers the head of the Registry Office (...) to carry out the registry assessment ["calificación registral"] of the titles and documents submitted to be registered, in the terms and deadlines provided under the present Law, ordering, dismissing or staying them" (par. 109 of Expert report of Dr. José Ovalle Favela).</i></p> <p>These documents requested, which are not in the possession of the Claimant, will show</p>	<p>señala la Demandante, el perito de la Demandada nunca se refirió a los requisitos para ocupar el puesto que ocupa el Sr. Alonso del Hoyo.</p> <p>Adicionalmente, los alegatos de la Demandante que buscan establecer la relevancia de estos documentos se basan en legislación para el Estado de Jalisco, en lugar de la del Estado de Nayarit al que corresponde el Registro Público de Bucerías.</p>	<p>potential irregular appointment (“<i>nombramiento</i>”) of the <i>Jefe de la Oficina del Registro de Bucerías</i> in 2012, Mr José Ricardo Alonso del Hoyo, it is clear that such information is crucial to determine if the person that cancelled the Nayarit Mortgage had the legal qualifications to carry out this “<i>acto de autoridad</i>”, as provided for by the Respondent's own expert.</p> <p>The Respondent's contention that the Claimant is relying on the laws of Jalisco, instead of the laws of Nayarit, which are the ones applicable to the functioning</p>	

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		<p>when Mr José Ricardo Alonso del Hoyo was appointed as <i>Jefe de la Oficina del Registro de Bucerías</i> as well as his qualifications and degrees, in order to determine if the appointment of this person as <i>Jefe de la Oficina del Registro de Bucerías</i> was proper and if he had the necessary qualifications to carry out authority acts ("<i>actos de autoridad</i>") in respect of the Nayarit Mortgage, as explained by the Respondent's legal expert.</p>	<p>La Demandada además objeta la presentación de estos documentos en virtud de lo dispuesto en el Artículo 9(2)(b) de las Reglas de la IBA y el apartado 3.1 de la OP No. 6: existencia de impedimento legal o privilegio bajo las normas jurídicas o éticas determinadas como aplicables por el Tribunal Arbitral.</p> <p>Lo anterior debido a que se trata de información que contiene datos personales de una persona</p>	<p>of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, is misleading. The Claimant is not relying on the laws of Jalisco in support of this request, but on the statements of the Respondent's legal expert (par. 109 of Expert report of Dr. José Ovalle Favela). In any event, a similar provision to Article 22, Par. IV, of the <i>Ley del Registro Público de la Propiedad de Jalisco</i> is found under Article 16 of the <i>Reglamento del Registro Público de la Propiedad de Nayarit</i>.</p> <p>Finally, the documents requested do not breach any</p>	

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			<p>identificada o identificable y por lo tanto se califica como confidencial.</p>	<p>legal or ethical rules on legal impediment or privilege. The Claimant has failed to identify such rules that would purportedly apply in this case and has only argued that the information included under the documents requested are confidential because they contain personal data of an identified person (i.e., Mr José Ricardo Alonso del Hoyo). The Respondent's arguments, which have been left unsupported, have no merit, as the information requested in respect of this person refers to his position as a <u>public</u> authority (which he</p>	

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				<p>exercised when cancelled the Nayarit Mortgage), which the Claimant is entitled to access.</p> <p>Evidence of the fact that this information is not confidential is Article 33 of the Law on Transparency and Access to Public Information of the State of Nayarit, under which public authorities have the duty to publicize the information of public servants when they "provide a public service" or "perform an act of authority" (as it is the case of Mr. José Ricardo Alonso del Hoyo); this information includes: appointment</p>	

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				("nombramiento"), date of appointment, profile of the position, curriculum vitae ("informacion curricular"). The information of Mr. José Ricardo Alonso del Hoyo is not available, however, as he no longer occupies this position.	
10.	Reports from the <i>Registro Público de la Propiedad of Bucerías, in Nayarit</i> , to the <i>Instituto Catastral y Registral del Estado de Nayarit</i> , pursuant to Article 111 of <i>Ley Catastral y Registral</i> of the State of	In accordance with Article 111 of the <i>Ley Catastral y Registral of the State of Nayarit</i> , the <i>Registro Público de la Propiedad of Bucerías</i> is required to inform the <i>Instituto Catastral y Registral</i> of Nayarit of any change in the records	La Demandada sostiene que de conformidad con el Artículo 3(3)(b) y 9 (2) (a) así como con la Resolución y la OP No. 6. esta solicitud deber ser rechazada, toda vez que los documentos solicitados no son relevantes para el	The Claimant rejects the Respondent's arguments that the documents requested are not relevant to the matters in dispute. As already explained, the <i>Registro Público de la Propiedad of Bucerías, in Nayarit</i> is required by law to inform the <i>Instituto Catastral y</i>	<b>The request does not meet requirement R2 and is therefore DISMISSED. Claimant has not demonstrated that reports or other documents directed to the</b>

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	Nayarit, <sup>20</sup> in respect of the cancellation of the Nayarit Mortgage.	of the Registry so that both public entities are coordinated. Consequently, the <i>Registro Público de la Propiedad of Bucerías</i> must have informed the <i>Instituto Catastral y Registral</i> of Nayarit of any changes in the Registry in respect of the Nayarit Property (namely, the records referring to the Foreclosure Proceedings	caso ni sustanciales para su resolución.  La Demandante solicita los reportes del Registro Público al Instituto Catastral y Registral del Estado de Nayarit, sin embargo, no proporciona razones por las cuales sería relevante contar con dicha información, sino que de manera general señala que la solicitud se hace para determinar si existió	<i>Registral del Estado de Nayarit</i> of any act or any change recorded in the registry, including those related to the Nayarit Property. The documents requested will therefore show how the <i>Registro Público de la Propiedad of Bucerías</i> informed the <i>Instituto Catastral y Registral</i> of Nayarit of the cancellation of the Nayarit Mortgage in spite of the Foreclosure Proceedings recorded therein, and	<b>Catastro are sufficiently relevant to its case.</b>

<sup>20</sup> Article 111 of *Ley Catastral y Registral* of the State of Nayarit: "Los Notarios, Jueces, Registradores, particulares y cualquier autoridad o funcionario ante quien se haya celebrado algún acto que se refiera a cualquier cambio de información captada por el Catastro e inscrita en el Registro, está obligada a informar de ello al Instituto para los efectos de la coordinación correspondiente" (emphasis added).

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		<p>and to the cancellation of the Nayarit Mortgage).</p> <p>These documents, to which the Claimant has no access, are relevant and material to shed light on the circumstances of the cancellation of the Nayarit Mortgage, as well as to determine whether there was a further irregularity by the <i>Registro Público de la Propiedad of Bucerías</i> for failing to comply with Article 111 of <i>Ley Catastral y Registral</i> of the State of Nayarit.</p>	<p>alguna otra irregularidad sin señalar qué irregularidad alega de parte del Instituto Catastral y Registral.</p> <p>Adicionalmente, la Demandada objeta la solicitud por su falta de especificidad tal y como se explicó en la objeción general.</p>	<p>whether any irregularity was highlighted in this communication, which is crucial to the Claimant's claims in the arbitration.</p> <p>Further, the Respondent's objection for lack of specificity lacks any merit whatsoever, as the Claimant has specifically identify the documents requested: the reports from the <i>Registro Público de la Propiedad of Bucerías</i> to the <i>Instituto Catastral y Registral del Estado de Nayarit</i>, issued pursuant to Article 111 of <i>Ley Catastral y Registral</i> of the State of Nayarit and making reference to the</p>	

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				<p>cancellation of the Nayarit Mortgage.</p> <p>Further, the documents requested correspond to a limited period of time: these documents are limited to the period that follows to the cancellation of the Nayarit Mortgage. Consequently, the relevant time period would be from 16 October 2012 to 15 April 2013.</p>	
11.	Internal regulations, guidelines, manuals (" <i>manuales de procedimiento</i> "), circulars, training material or any document containing steps or instructions to be	Besides the law and regulations applicable to the functioning of the <i>Registro Público de la Propiedad of Bucerías</i> , in Nayarit, it is common practice for public offices	La Demandante señala que no tiene acceso a estos documentos. Sin embargo, como se ha señalado en las objeciones de la Demandada a las solicitudes números 4 y 5,	The Claimant does not have access to this information, which is not covered by the principle of publicity invoked by the Respondent. Therefore, the Claimant cannot obtain these	<b>The request meets all requirements R1, R2 and R3 and, therefore, is GRANTED as narrowed down by</b>

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	<p>considered to carry out the functions of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, in place on 16 October 2012, when the Nayarit Mortgage was cancelled.</p>	<p>to provide specific instructions or guidelines to their personnel as to how to perform their tasks. Therefore, the documents requested, to which the Claimant has no access, are relevant to show the instructions or guidelines that should have been considered by the personnel of the <i>Registro Público de la Propiedad of Bucerías</i>, in Nayarit, when they cancelled the Nayarit Mortgage, despite the fact that the Foreclosure Proceedings were previously registered, and</p>	<p>el Registro Público se rige por los principios de máxima publicidad, razón por la que la Demandante puede solicitar estos documentos a la Oficina del Registro Público de Nayarit. Por lo tanto, se objeta la solicitud en términos del apartado 2.3 la OP No 6 (¶ 18):</p> <p>“The request will be rejected if the Documents are located in the premises or under the control of a third party, to which the <u>requesting Party has access</u>”.</p>	<p>documents directly from the <i>Registro Público de la Propiedad of Bucerías</i>.</p>	<p><b>the Tribunal: Respondent must produce “manuals de procedimiento” and any other Documents containing instructions to carry out the functions of the Registro Público de la Propiedad of Bucerías that were in place on 16 October 2012.</b></p>

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		whether the personnel of the <i>Registro Público de la Propiedad of Bucerías</i> , in Nayarit, followed or not their own internal rules when they cancelled the Nayarit Mortgage.			
12.	Any Internal Documents issued or received by the personnel of the Appeal Court recording how and when the Fake <i>Amparo</i> <sup>21</sup> was identified as a " <i>causal de improcedencia</i> " to the <i>Amparo</i> Proceedings.	As the Claimant explained in its Statement of Claim, there is no certainty as to the circumstances under which, more than two years after its apparent filing (the Fake <i>Amparo</i> was supposedly filed on 7	La Demandada objeta la solicitud por su falta de especificidad, como se explicó en la objeción general.  Sin embargo, se observa que la [Sentencia del	The Respondent's objection for lack of specificity has no merit. The documents requested are limited to a very specific subject: the circumstances under which one specific court (the Appeal Court) discovered the existence of	<b>The request meets the requirements R1, R2, and R3 and is therefore GRANTED as narrowed down by the Tribunal: Respondent must</b>

<sup>21</sup> "Fake Amparo" means "amparo proceedings under docket number 757/2012, before the First District Civil Court of the State of Jalisco".

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		<p>August 2012), the Appeal Court discovered that the Fake <i>Amparo</i> had been filed and that this amounted to a <i>causal de improcedencia</i> that prevented the Appeal Court from deciding on the merits of the <i>Amparo</i> Proceedings (par. 157 – 164 of LMC's Statement of Claim; Exhibit C-119 – Decision of the Appeal Court of 17 April 2015–) and whether there was any irregularity in this discovery.</p> <p>These documents, to which the Claimant has no access, are relevant to</p>	<p>Amparo 1324/2012] contiene la información relativa el análisis de la existencia del denominado “amparo falso” como causal de improcedencia, misma que se proporciona.</p>	<p>the Fake Amparo. The decision of the Appeal Court mentioned by the Respondent finds that the Fake Amparo amounts to a <i>causal de improcedencia</i>, but it does not explain how the Appeal Court only found out about the existence of the Fake Amparo more than two years after its submission. The documents requested are therefore impliedly referred to a specific range of time, which goes from the moment that LMC filed an <i>amparo</i> claim that resulted in the <i>Amparo</i> Proceedings, on 19 December 2012, until the discovery of the Fake</p>	<p><b>produce Documents issued or received by the Second Collegiate Civil Tribunal of the State of Jalisco, recording how and when the Amparo proceeding 757/2012 was identified as a “causal de improcedencia” to the Amparo proceedings 1324/2012, dated between 7 August 2012 and 10 December 2015</b></p>

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		<p>establish the circumstances under which the <i>Amparo</i> Proceedings were remanded to the <i>Amparo</i> Court (Remand Court) as a consequence of the Fake <i>Amparo</i>. Such circumstances are material to determine whether LMC was accorded a fair and equitable treatment when it attempted to remedy the cancellation of the Nayarit and Guadalajara Mortgages.</p>		<p><i>Amparo</i> as a <i>causal de improcedencia</i>, reflected in the Decision of the Appeal Court of 17 April 2015.</p>	<p>(see paras. 157 and 176 of Claimant's Memorial)</p>
13.	Copies of any inspection proceedings, inquiries or	These documents are requested to determine	La Demandada objeta la solicitud por su falta de	The Respondent's objection for lack of	<b>The request meets the</b>

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	<p>investigations ("<i>actas de visitas de inspección</i>"), reports ("<i>dictámenes técnicos</i>") initiated by any public authority of Mexico in respect of the actions of the <i>Amparo</i> Court (or Remand Court), the Appeal Court, the Cancellation Court, the Foreclosure Court or any of the personnel of these courts covering the period from 17 February 2012 (date where LMC filed the Foreclosure Proceedings) and the present day (except for any investigations or inquiries initiated by the Secretaría de Economía, in connection</p>	<p>whether the Mexican public authorities have initiated inquiries and/or have identified any irregularities or deficiencies committed by the Mexican courts involved in the present dispute.</p> <p>These documents, to which the Claimant has no access, are relevant to the analysis of the judicial proceedings and the acts committed by the Mexican courts that led to the destruction of LMC's investment and material to determine whether LMC was accorded a fair</p>	<p>especificidad, como se explicó en la objeción general.</p> <p>Así mismo, la Demandada objeta la solicitud sobre la base de que los documentos no son relevantes para el caso ni sustanciales para su resolución. En particular, la Demandante no explica cómo es que la existencia, inexistencia o el contenido de los documentos solicitados le asistirían a determinar si se otorgó</p>	<p>specificity has no merit. The Claimant has sufficiently identified the category of documents to which the requested documents belong: those showing any investigations initiated by the Mexican public authorities against the specific Mexican courts involved in the present dispute, within a very specific range of time.</p> <p>These documents are relevant because they will show whether the Respondent has taken any measure to investigate the irregular acts that led to the destruction of the Claimant's investment, and any finding</p>	<p><b>requirements R1, R2 and R3 and is GRANTED as narrowed down by the Tribunal: Respondent must produce "<i>actas de visitas de inspección</i>" and "<i>dictámenes técnicos</i>" from any Mexican public authority, regarding the actions of the <i>Amparo</i> Court (or Remand Court), the Appeal Court, the Cancellation Court, the</b></p>

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	with Mexico's defense of the present arbitral proceedings).	and equitable treatment when it attempted to remedy the cancellation of the Nayarit and the Guadalajara Mortgages.	trato justo y equitativo a LMC.	arising out of these investigations.	<b>Foreclosure Court or any of the personnel of these courts, covering the period from 17 February 2012 (date when LMC filed the Foreclosure Proceedings) and the present day (except for any investigations or inquiries initiated by the Secretaría de Economía, in connection with Mexico's defense of the present</b>

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					arbitral proceedings).
14.	<p>Agreements executed from 2006 through the present between any federal, state or municipal entity or any other public authority of Mexico and Mr. Héctor Cárdenas and/or any of the Debtors, regarding any developments of real estate in the State of Nayarit related to or including the Nayarit Property, including without limitation, any agreements regarding the construction, removal or alteration of roads, including the “<i>Nuevo Trazo Carretero La Cruz De</i></p>	<p>The requested documents, to which LMC has no access to, are relevant and material to provide the complete picture of the Nayarit Property for valuation purposes, to be considered by the Claimant, and particularly by its appraisal expert, in the assessment of the value of the Nayarit Property.</p> <p>Furthermore, these documents are crucial to have all the records and</p>	<p>La Demandada objeta la solicitud por su falta de especificidad, como se explicó en la objeción general.</p> <p>Además, la Demandada sostiene que esta solicitud debe rechazarse porque los documentos no son relevantes para el caso ni sustanciales para su resolución pues se relacionan con asuntos que no son objeto de esta controversia, de conformidad con la Regla</p>	<p>The Claimant has provided a detailed description of the specific category of documents to be identified, including (i) the specific parties involved; (ii) the nature and subject matter; and the (iii) time period of the requested documents that are reasonably believed to exist.</p> <p>Claimant clarifies that by “<i>any federal, state or municipal entity or any other public authority of Mexico</i>”,</p>	<p><b>The request does not meet the requirements R1 and R2 and is therefore DISMISSED. The request is overbroad. Claimant has not demonstrated that the agreements sought are relevant for the adjudication of the case.</b></p>

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	<p><i>Huanacaxtle—Punta De Mita</i>”, and the road crossing the Nayarit Property from km 3+807.87 to km 7+968.10 km.</p> <p>This request covers any document related to the Nayarit Property, including but not limited to:</p> <p>a. <u>Topographic map of the Nayarit Property and of the area in which it is located;</u></p> <p>b. <u>Surveys related to or covering the Nayarit Property;</u></p>	<p>circumstances for the development of Mr. Héctor Cárdenas' projects in the Nayarit Property, as well as of any endorsement and authorization of the Mexican government to Mr. Héctor Cárdenas projects in question.</p> <p>The Respondent contends that “[t]he Claimant failed to undertake proper due diligence before granting the Loans” (Section I(B)(1), Mexico's Counter Memorial; particularly in para. 28: “Claimant not only</p>	<p>(3) (3) (b) de las Reglas de la IBA.</p> <p>La Demandante explica que los documentos son necesarios para proporcionar una “complete picture of the Nayarit Property for valuation purposes”. No es claro para la Demandada cómo es que la Demandante pudo haber otorgado préstamos a las Deudoras por 32 millones de dólares sin esta “complete picture” de la propiedad que se utilizó para garantizarlos.</p>	<p>it refers to authorities, including but not limited to:</p> <p>1. <u>Federal Secretaries</u> of:</p> <p>a) <i>Comunicaciones y transportes (SCT)</i></p> <p>b) <i>Desarrollo agrario, territorial y urbano (SEDATU);</i></p> <p>c) <i>Medio ambiente y recursos naturales (SEMARNAT);</i></p> <p>d) <i>Turismo; (SECTUR).</i></p> <p>2. <u>State</u> of Nayarit Secretaries of:</p> <p>a) <i>Obras públicas;</i></p>	

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	<p>c. <u>Zoning regulations effecting the Nayarit Property as of March 2014 and current date;</u></p> <p>d. <u>Applications made to develop the Nayarit Property from beginning of 2011 to current date;</u></p> <p>e. <u>All prior approved development plans regarding the Nayarit Property as of March 2014 and the current date, and all exhibits and any amendments thereto, including documents, plans, and maps indicating uses</u></p>	<p><i>assumed significantly more risk than a normal creditor would but, importantly, failed to take reasonable steps to protect its investment. Indeed, if the Claimant is taken at its own word, it decided to grant USD \$32.8 million dollars in loans to unknown entities based on "preliminary and incomplete" plans for two projects without conducting basic due diligence on the Debtors or the projects.", Mexico's Counter Memorial).</i></p>	<p>Tampoco es claro para la Demandada cómo es que ciertos documentos creados a partir de 2014 (e.g., incisos c, d, e y f) le asistirían para determinar el valor de las propiedades a la fecha de la presunta expropiación de las hipotecas en 2012.</p>	<p>b) <i>Planeación, programación y presupuesto;</i></p> <p>c) <i>General de gobierno;</i></p> <p>d) <i>Finanzas;</i></p> <p>e) <i>Turismo.</i></p> <p>-</p> <p>3. <u>Municipal</u> entities of Bahía de Banderas:</p> <p>a) <i>Dirección de Obras Públicas;</i></p> <p>b) <i>Dirección de Ordenamiento Territorial, Desarrollo Urbano y Medio Ambiente;</i></p> <p>c) <i>Dirección de Padrón y Licencias;</i></p>	

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	<p><u>and land and building areas, limitations, restrictions, and conditions of such approvals; and</u></p> <p>f. <u>The existing status and imposed requirements of roads and access related to the Nayarit Property as of March 2014 and current date.</u></p>	<p>However, as referred before by the Claimant, Mr. Héctor Cárdenas stated that: "<i>The Nahui Project financed by L.M.C. was a "huge"</i><sup>22</sup> <i>project for the tourism industry, presented by its promoters as "the most important touristic development in the Nayarit Riviera and one of the biggest in Mexico"</i>, and added that the government of the State</p>		<p>d) <i>Dirección de Turismo y Desarrollo Económico;</i></p> <p>-</p> <p>The requested agreements and documents are reasonably believed to exist, as shown by Exhibit C-28, page 14, which states that:</p> <p><i>"There is an agreement between [Inmobiliaria BAINS] and the Ministry of</i></p>	

<sup>22</sup> "Presentan Proyecto Nahui, Frente a Playa Destiladeras", *Periódico Express de Nayarit* (27 January 2010) (Exhibit CLA-025); and "Brochure del Proyecto Nahui", *C&C Capital*, (Exhibit CLA-026).

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		<p>and the municipal government endorsed the project.<sup>23</sup> (Claimant's Rejoinder to Mexico's Preliminary Objection pursuant to Article 45(6), §112, Exhibit C-025).</p> <p>The request in this section is thus crucial and material to prove and demonstrate the relevance and importance of Mr. Héctor Cárdenas projects by Mexico's own authorities.</p>		<p><i>Communications and Transport (SCT) to continue using the local road until the construction of the [new] road that will cross the northern part of the [Nayarit Property]"</i></p> <p>Claimant is aware that such collaboration agreement<sup>24</sup> was executed between (1) the State of Nayarit, through the Secretaries of:</p> <p>a) <i>Obras públicas;</i></p>	

<sup>23</sup> "Proyecto Nahui", *C&C Capital* (Exhibit CLA-027).

<sup>24</sup> "Convenio de colaboración para la construcción de un nuevo proyecto carretero cruz de Huanacastle – Punta de Mita."

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		<p>Regarding the construction, removal or alteration of roads, according to Mexico's own appraisals of the Nayarit Property ("Informe CBRE"): "<i>se identificó una afectación por derecho de vía terrestre por la Carretera Federal La Cruz de Huanacastle – Punta de Mita. Así también se identificó una afectación por derecho de vía por la CFE; ambas afectaciones influyen en la comercialización o valor de la propiedad</i>" (page 25).</p>		<p>b) <i>Planeación, programación y presupuesto;</i>  c) <i>General de gobierno;</i>  d) <i>Finanzas;</i></p> <p>and (2) Inmobiliaria BAINS, S.A. de C.V., represented by Héctor Cárdenas, dated 30 July 2008.</p> <p>Under this agreement, the parties committed to collaborate on the construction of a section of the road "<i>Nuevo Trazo Carretero La Cruz De Huanacastle-Punta De Mita</i>", intended to terminate the "<i>afectación por derecho de vía terrestre</i>" in the</p>	

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		<p>It is its Claimant's understanding that the road identified by Mexico that is affecting the Nayarit Property would be removed and/or cancelled by the Mexican government, which would have a positive impact in the value of the Nayarit Property.</p>		<p>Nayarit Property, identified as such by the Respondent's CBRE appraisal.</p> <p>The valuation of the Nayarit Property (as a basis for the calculation of damages suffered by LMC) is affected by the existence and terms of any agreements celebrated between the Mexican authorities and the Debtors in relation to the Nayarit Property. Similarly, the documents described in sections a) to f) of this request, issued by the authorities indicated above, are essential for the same purposes, as they will</p>	

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				<p>provide the terms and conditions for the infrastructure to be developed in the Nayarit Property.</p> <p>Mr. Héctor Cárdenas has declared to have the support of the Government for the development of the touristic project in the Nayarit Property (Exhibit C-025).</p> <p>As indicated before, Mexico's expert recognized the existence of a local road <i>La Cruz de Huanacastle – Punta de Mita</i> as a basis for reducing the valuation of the Nayarit Property ("informe</p>	

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				<p>CBRE", page 25); however, Claimant has reason to believe that the requested documents will show that it is reasonable to assume that the Government had agreed to the removal of the referred road for resort development, so that it would not be proper to reduce the valuation of the Nayarit Property on the basis of the existence of the road.</p> <p>Finally, the requested documents are relevant and material to demonstrate the governmental endorsement and authorizations for the touristic development in the Nayarit Property, to contest Mexico's claims that the</p>	

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				project in the property in question were not viable and that the Claimant was negligent when it lent money to Mr. Héctor Cárdenas and/or any of the Debtors.	
15.	<p>Agreements executed from 2006 through the present between any federal, state or municipal entity or any other public authority of Mexico and Mr. Héctor Cárdenas and/or any of the Debtors, regarding any developments of real estate in the Guadalajara Properties.</p> <p>This request covers any document related to the</p>	<p>The requested documents to which LMC has no access to, are relevant and material to provide the complete picture of the Guadalajara Properties to be considered by the Claimant, and particularly by its appraisal expert in the assessment of the value of</p>	<p>La Demandada objeta la solicitud por su falta de especificidad, como se explicó en la objeción general.</p> <p>Además, la Demandada sostiene que esta solicitud debe rechazarse porque los documentos no son relevantes para el caso ni</p>	<p>The Claimant has provided a detailed description of the category of documents to be identified, including (i) the specific parties involved; (ii) the nature and subject matter; and the (iii) time period of the requested documents that are reasonably believed to exist.</p>	<p><b>The request does not meet requirements R1 and R2 and is therefore DISMISSED. The request is overbroad. Claimant has not demonstrated that those agreements with Mexican</b></p>

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	<p>Guadalajara Properties, including but not limited to:</p> <p>a. <u>Surveys related to or covering the Guadalajara Properties;</u></p> <p>b. <u>Zoning regulations effecting the Guadalajara Properties as of March 2014 and current date;</u></p> <p>c. <u>Applications made to develop the Guadalajara Properties from</u></p>	<p>the Guadalajara Properties.</p> <p>Furthermore, these documents are crucial to have all the records and circumstances for the development of Mr. Héctor Cárdenas' projects in the Guadalajara Properties, as well as of any endorsement and authorization of the Mexican government to Mr. Héctor Cárdenas' projects in question.</p> <p>The Respondent contends that "[t]he Claimant failed to undertake proper due diligence before granting</p>	<p>sustanciales para su resolución, de conformidad con el Artículo 3(3)(b) y 9 (2) (a) así como con la Resolución y la OP No. 6, pues se relacionan con asuntos que no son objeto de esta controversia.</p>	<p>Claimant indicates that by "<i>any federal, state or municipal entity or any other public authority of Mexico</i>", it refers to authorities such as:</p> <p>1. <u>Federal</u> Secretaries of:</p> <p>a) <i>Comunicaciones y transportes (SCT)</i>  b) <i>Desarrollo agrario, territorial y urbano (SEDATU);</i>  c) <i>Medio ambiente y recursos naturales (SEMARNAT);</i></p>	<p><b>public authorities are relevant and material for the adjudication of the case.</b></p>

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	<p><u>beginning of 2011 to current date;</u></p> <p>d. <u>All prior approved development plans regarding the Guadalajara Properties as of March 2014 and the current date, and all exhibits and any amendments thereto, including documents, plans, and maps indicating uses and land and building areas, limitations, restrictions, and conditions of such approvals;</u></p>	<p><i>the Loans"</i> (Section I(B)(1), Mexico's Counter Memorial; particularly in para. 28: "<i>Claimant not only assumed significantly more risk than a normal creditor would but, importantly, failed to take reasonable steps to protect its investment. Indeed, if the Claimant is taken at its own word, it decided to grant USD \$32.8 million dollars in loans to unknown entities based on "preliminary and incomplete" plans for two projects without conducting basic due</i></p>		<p>2. <u>State</u> of Jalisco Secretaries of:</p> <p>a) <i>Infraestructura y obra pública;</i></p> <p>b) <i>Planeación, administración y finanzas;</i></p> <p>c) <i>General de gobierno;</i></p> <p>-</p> <p>3. <u>Municipal</u> entities of Guadalajara:</p> <p>a) <i>Dirección de Obras Públicas;</i></p> <p>b) <i>Dirección de Padrón y Licencias.</i></p> <p>-</p>	

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	<p>e. <u>The existing status and imposed requirements of roads and access related to the Guadalajara Properties as of March 2014 and current date.</u></p>	<p><i>diligence on the Debtors or the projects.</i>", Mexico's Counter Memorial).</p> <p>The requested documents are relevant and material to determine if the Mexican authorities treated the Debtors' projects in the Guadalajara Properties as viable and granted authorizations as a result.</p>		<p>The requested agreements and documents are reasonably believed to exist. Claimant is aware of a collaboration agreement celebrated between the State of Nayarit and one of the Debtors (referred in the Request No. 14 above).</p> <p>The valuation of the Guadalajara Properties (as a basis for the calculation of damages suffered by LMC) is affected by the existence and terms of other agreements celebrated between the Mexican authorities and the Debtors in relation to the Guadalajara</p>	

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				<p>Properties. Similarly, the documents described in sections a) to e) of this request, issued by the authorities indicated above, are essential for the same purposes, as they will provide the terms and conditions for the infrastructure to be developed in the Guadalajara Properties.</p> <p>Finally, the requested documents are relevant and material to demonstrate the governmental endorsement and authorizations for the development in the Guadalajara Land, to contest</p>	

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				Mexico's claims that the project in the property in question were not viable and that the Claimant was negligent when it lent money to Mr. Héctor Cárdenas and/or any of the Debtors.	
16.	Any valuation of the Nayarit Property and of the Guadalajara Properties, and of any portion thereof and of any piece of land including the Nayarit Property and of the Guadalajara Properties were constituted or carried out by any federal, state or municipal entity or any other public authority of Mexico,	Th documents, to which the Claimant has no access, will show whether any valuation analysis was carried out by the Mexican authorities in respect of the Properties, including the elements that were considered in those valuations, to be compared to the CBRE	La Demandada objeta la solicitud por su falta de especificidad, como se explicó en la objeción general.  Asimismo, objeta la solicitud en virtud de que tener que solicitar a todas las dependencias de los	In order to narrow the sources that the Respondent should have to consult to locate these documents, Claimant sets out the following authorities:  I. Valuation authorities, such as:	<b>The request meets the requirements R1, R2, and R3 and is therefore GRANTED as narrowed down by the Tribunal.</b>  <b>Respondent must produce those Documents that</b>

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	<p>in connection with any agreement between any of such entities and Mr. Héctor Cárdenas and/or one or more of the Debtors, from 2006 through the present.</p>	<p>appraisals submitted with Mexico's Counter-Memorial.</p> <p>Mexico's request of document production No. 6 to the Claimant, consisted of "<i>Los avalúos de las propiedades hipotecadas, preparados u obtenidos por LMC</i>", which were produced by LMC. As the relevance of this request was already admitted by Mexico, the Claimant considers it has the equal right to request the same nature of documents to Mexico. As recognized by Mexico and the Claimant, such</p>	<p>diferentes niveles de gobierno o cualquier entidad o autoridad pública que busquen valuaciones que se hubieran realizado sobre los inmuebles en Guadalajara, resulta oneroso para la Demandada.</p>	<p>-</p> <p>a) <i>Instituto de Administración y Avalúos de Bienes Nacionales (INDAABIN)</i>;</p> <p>b) <i>Instituto Catastral y Registral del Estado de Nayarit</i>;</p> <p>c) <i>Dirección de Catastro en Jalisco</i>;</p> <p>d) <i>Comisión Técnica Catastral y otras autoridades en materia de catastro en el Municipio de Bahía de Banderas</i>;</p> <p>e) <i>Autoridades catastrales en el Municipio de Guadalajara</i>.</p>	<p><b>fulfil the following conditions:</b></p> <p><b>a) Be issued by Instituto de Administración y Avalúos de Bienes Nacionales (INDAABIN); Instituto Catastral y Registral del Estado de Nayarit; Dirección de Catastro en Jalisco; Comisión Técnica Catastral y otras autoridades en materia de catastro en el Municipio de</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		documents are crucial, relevant and material to analyze valuations made or requested by Mexico over the same Properties.		<p>-</p> <p>II. In addition, by "<i>any federal, state or municipal entity or any other public authority of Mexico</i>", Claimant refers to those indicated above at Reply to Objections to Document Request No. 14 (regarding the Nayarit Property), and No. 15 (regarding the Guadalajara Properties), respectively.</p> <p>Claimant has clearly identified in sufficient detail the requested documents:</p>	<p><b>Bahía de Banderas; Autoridades catastrales en el Municipio de Guadalajara;</b></p> <p><b>b) reflect any valuation of the Nayarit Property and of the Guadalajara Properties, and</b></p> <p><b>c) dated from 2006 through the present day.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
				<p>"valuation" related to the Nayarit Property and the Guadalajara Properties.</p> <p>There is evidence of the existence of previous valuations of the Nayarit Property conducted by Mexican authorities. For example, the collaboration agreement referred in Request No. 14 indicates that a "valuation" of a section of the Nayarit Property was conducted:</p> <p><i>"Con el avalúo existente a la fecha de firma del presente Convenio (ANEXO 3) elaborado por el Instituto de</i></p>	

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				<p><i>Administración y Avalúos de Bienes Nacionales, el cual determina el valor de la superficie que será entregada en posesión a "EL GOBIERNO DEL ESTADO". En caso de que el Avalúo existente pierda su vigencia [...] cualquiera de las partes solicitará al Instituto de Administración y Avalúos de Bienes Nacionales, realice nuevo avalúo..."</i></p>	
17.	Any Internal Documents issued by any federal, state or municipal entity or any other public authority of	The Claimant does not have access to Internal Documents of Mexican authorities regarding	La Demandada objeta la solicitud por su falta de especificidad, como se	Claimant clarifies that by " <i>any federal, state or municipal entity or any other public authority of Mexico</i> ",	<b>The request does not meet the requirements R1 and R2 and is</b>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
	<p>Mexico reflecting any approval of real estate development plans of Mr. Héctor Cárdenas and/or any of the Debtors relating to the Nayarit Properties or any of the Guadalajara Properties, from 2006 through the present.</p>	<p>permits and authorizations granted to Mr. Héctor Cárdenas and/or the Debtors for their projects on the Properties and thus, it is unable to assess the circumstances and elements to determine whether Mr. Héctor Cardenas' projects were authorized by the Mexican authorities.</p> <p>These documents are crucial to have a complete picture of all the records related to permits and authorizations granted for the development of the Debtor's projects in the</p>	<p>explicó en la objeción general.</p> <p>Además, la Demandada sostiene que esta solicitud debe rechazarse porque los documentos requeridos no son relevantes para el caso ni sustanciales para su resolución pues se relacionan con temas que no son objeto de esta controversia, de conformidad con el Artículo 3(3)(b) y 9 (2) (a) así como con la Resolución y la OP No. 6.</p>	<p>it refers to authorities such as:</p> <p>1. <u>Federal</u> Secretaries of:</p> <p>a) <i>Medio Ambiente y Recursos Naturales (SEMARNAT)</i>;</p> <p>b) <i>Desarrollo agrario, territorial y urbano (SEDATU)</i>;</p> <p>c) <i>Comunicaciones y transportes (SCT)</i></p> <p>-</p> <p>2.1 <u>State</u> of Nayarit Secretaries of:</p> <p>a) <i>Obras públicas</i>;</p>	<p><b>therefore DISMISSED. The request is overbroad. Claimant has not proved that Documents regarding approvals by Mexican public authorities of real estate development plans are relevant for the adjudication of the case.</b></p>

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
		Properties, for valuation purposes.		<p>-</p> <p>2.2 <u>State</u> of Jalisco Secretaries of:</p> <p><i>a) Infraestructura y obra pública;</i></p> <p><i>b) Planeación, administración y finanzas;</i></p> <p>3.1 <u>Municipal</u> entities of Bahía de Banderas:</p> <p><i>a) Dirección de Obras Públicas;</i></p> <p><i>b) Dirección de Ordenamiento Territorial, Desarrollo</i></p>	

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
				<p><i>Urbano y Medio Ambiente;</i></p> <p><i>c) Dirección de Padrón y Licencias;</i></p> <p><i>d) Dirección de Turismo y Desarrollo Económico;</i></p> <p>3.2 <u>Municipal</u> entities of Guadalajara:</p> <p><i>a) Dirección de Obras Públicas;</i></p> <p><i>b) Dirección de Padrón y Licencias.</i></p> <p>As Exhibit C-028, Claimant provided the Environmental Impact Assessment report</p>	

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				<p>elaborated by ESEMA in September 2008 as instructed by Inmobiliaria BAINS to request authorization to be SEMARNAT for the Debtor's project in the Nayarit Property:</p> <p><i>" lo cual será puesto a consideración previa, para la autorización municipal y a la SEMARNAT para su evaluación y/o autorización".<sup>25</sup></i></p>	

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<sup>25</sup> **Exhibit C-028**, pp. 10-11. See also section II.2.1 at page 17: "*El predio cuenta con 823.30 hectáreas, de las cuales se pretende la autorización en materia de impacto ambiental 312.67 hectáreas en esta primer etapa y para superficie restante de 510.63 ha aún no se tiene diseños para desarrollarlos sin embargo serán en la misma rama turística, proyecto futuro que será puesto consideración de la SEMARNAT para su autorización en materia ambiental.*"

No.	Documents or Category of Documents Requested by LMC	Relevance and Materiality According to Requesting Party	Mexico's Objections to Document Request	LMC's Reply to Objections to Document Request	Tribunal's Decisions
				<p>Thus, there is evidence suggesting the existence of requests of authorizations for the development of projects in the Properties to be given by the Mexican authorities indicated above.</p> <p>The requested authorizations are relevant and material to provide the characteristics of the Debtor's projects to be developed in the Properties as approved by Mexican authorities, which are relevant and material to determine the value of the Properties.</p>	

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				<p>Furthermore, it is expected that the approval of the development plans in the Properties by the Mexican authorities are relevant to rebutting Mexico's argument that LMC was negligent in providing financing for the Debtor's projects.</p>	