

Procedural Order No. 10

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BEFORE THE INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT
DISPUTES- ADDITIONAL FACILITY

ICSID Case No. ARB (AF)/16/3

BETWEEN:

**Gordon G. Burr; Erin J. Burr; John Conley; Neil Ayervais; Deana Anthone;
Douglas Black; Howard Burns; Mark Burr; David Figueiredo; Louis Fohn;
Debbie Lombardi; Scott Lowery; Thomas Malley; Ralph Pittman; Daniel Rudden;
Marjorie “Peg” Rudden; Robert E. Sawdon; James H. Watson, Jr.;
B-Mex, LLC; B-Mex II, LLC; Oaxaca Investments, LLC; Palmas South, LLC;
B-Cabo, LLC; Colorado Cancún, LLC; Santa Fe Mexico Investments, LLC;
Caddis Capital, LLC; Diamond Financial Group, Inc.;
Family Vacation Spending, LLC; Financial Visions, Inc.; J. Johnson Consulting, LLC;
J. Paul Consulting; Las KDL, LLC; Mathis Family Partners, Ltd.;
Palmas Holdings, Inc.; Trude Fund II, LLC; Trude Fund III, LLC; Victory Fund, LLC**

Claimants

and

United Mexican States

Respondent

CLAIMANTS’ REDFERN

26 February 2021

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Claimants' Redfern Schedule for the Production of Documents

Instructions:

- (1) In accordance with the Amended Procedural Timetable for the Merits Phase dated November 10, 2020, B-Mex, LLC and Others (the "Claimants"), hereby submit their Requests for Production of Documents (the "Requests").**
- (2) Claimants' Requests encompass all documents within the possession, custody or control of the Respondent. To the extent that documents responsive to any request are located and withheld by Respondent on account of any alleged privilege or for any other reason, please provide together with your response a privilege log, setting forth a description of the responsive document (including its date, its author, and its recipient) and the reason for withholding that document from production.**
- (3) The term "document" has the meaning attributed to it under the International Bar Association Rules on the Taking of Evidence in International Arbitration, that is: "a writing of any kind, whether recorded on paper, electronic means, audio or visual recordings or any other mechanical or electronic means of storing or recording information", as well as all writings of any kind, whether in draft or final form, whether recorded on paper, electronic means, audio or visual recordings, or any other mechanical or electronic means of storing or recording information, including, but not limited to, all communications (including reports, memoranda, presentations, letters, and e-mail and facsimile correspondence), notes, meeting minutes, board resolutions, transcripts, talking points, pitch books, speeches, financial statements, proposals, diagrams, drawings, and charts.**
- (4) "Any" and "all" mean "all;" "Including" means "including, but not limited to;" and "And" and "or" mean "and/or."**
- (5) Unless otherwise specified, the period of time covered by the requests is from January 1, 2008 to present.**
- (6) The documents requested should be produced in the manner in which they are maintained. Please submit responsive documents as one PDF file per document. If the documents requested are stored electronically, Respondent may produce the electronic versions of such documents, but please maintain the original format of the document without removing or altering the document's "metadata." The documents shall be submitted in their entirety, and, in the case of e-mail correspondence, with any attached files.**
- (7) All capitalized or previously defined terms shall have the same meaning as detailed in Claimants' Memorial on the Merits.**
- (8) Requests for documents prepared by or related to a government agency, State-owned entity (or its affiliates, subsidiaries or other entity or person controlling, controlled by, or otherwise affiliated with such company or entity), State organ, subdivision or instrumentality of Respondent include any document prepared by officials, employees, representatives and/or agents of that**

agency, State-owned entity, State organ, subdivision, or instrumentality, without regard to whether elected, appointed, contracted, or otherwise employed.

(9) Claimants reserve the right to amend or supplement their Requests in light of the documents produced or not produced by Respondent or any other document or evidence that Respondent may submit in these proceedings. Claimants also reserve the right to amend or supplement their Requests should Respondent enact any additional measures affecting Claimants' rights and investments during the course of these proceedings, and/or should Respondent seek to raise any new allegations or produce any additional evidence.

Respondent's objections to the Claimants' Request for Production of Documents

Pursuant to Item 15.3 and Annex A of Procedural Order No. 1 (PO1), the Respondent hereby submits its response to the Claimants' Request for Documents (RFD) submitted on 31 December 2020.

As noted in Item 15.1 of PO1, the International Bar Association Rules on the Taking of Evidence in International Arbitration (2010) (IBA Rules) may be used as guidance for document production, but shall not be binding on either the Tribunal or the Parties. Moreover, pursuant to Item 15.2 of PO1, the request for document production shall contain:

15.2.1. a description of each requested document sufficient to identify it, or a description in sufficient detail (including subject matter) of a narrow and specific requested category of documents that are reasonably believed to exist;

15.2.2. a statement as to how the documents requested are relevant to the case and material to its outcome; and

15.2.3. a statement that the documents requested are not in the possession, custody or control of the requesting party, and a statement of the reasons why the requesting party assumes the documents requested are in the possession, custody or control of the other party.

Consequently, the Respondent's objections are based on the Claimant's failure to satisfy the requirements cited above and/or any of the grounds identified in Article 9.2 of the IBA Rules, which include:

- (a) lack of sufficient relevance to the case or materiality to its outcome;
- (b) legal impediment or privilege under the legal or ethical rules determined by the Arbitral Tribunal to be applicable;
- (c) unreasonable burden to produce the requested evidence;
- (d) loss or destruction of the Document that has been shown with reasonable likelihood to have occurred;
- (e) grounds of commercial or technical confidentiality that the Arbitral Tribunal determines to be compelling;
- (f) 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 Arbitral Tribunal determines to be compelling; or
- (g) considerations of procedural economy, proportionality, fairness or equality of the Parties that the Arbitral Tribunal determines to be compelling.

General objections

The following ground of objection is raised in the Redfern Schedule. Rather than repeating this objection verbatim in each instance, the references to the following grounds of objection in the Redfern Schedule should be read together with the applicable narrative that follows each title below.

A. Lack of specificity.

The Claimants have made repeated requests for “[a]ny document related to or prepared in connection with ...” certain subject matters. Under the Claimants’ definition of “documents” their requests extend beyond the IBA definition to include “all writings of any kind, whether in draft or final form, whether recorded on paper, electronic means, audio or visual recordings, or any other mechanical or electronic means of storing or recording information, including, but not limited to, all communications (including reports, memoranda, presentations, letters, and e-mail and facsimile correspondence), notes, meeting minutes, board resolutions, transcripts, talking points, pitch books, speeches, financial statements, proposals, diagrams, drawings, and charts”. The Respondent generally objects to these requests on the grounds that they lack the specificity required by Item 15.2.1 of PO1, which embodies Article 3(3)(a)(ii) of the IBA Rules. These requests do not describe a “narrow and specific category of documents that are reasonably believed to exist”, and are more akin to the practice of demanding ‘discovery’ of documents under common law civil litigation procedures.

As noted in the Commentary to the IBA Rules, which the parties have agreed to use as guidance for the purpose of document production:

The Working Party was able to reach agreement on certain principles governing document production because practices in international arbitration can be, and have been, harmonized to a large extent. The Working Party was guided by several principles:

1. Expansive American- or English-style discovery is generally inappropriate in international arbitration. Rather, requests for documents to be produced should be carefully tailored to issues that are relevant and material to the determination of the case.

[...]

Article 3.3 provides certain requirements regarding the content of a request to produce, which are generally designed to have the request specifically describe the documents being sought. Article 3.3 is designed to prevent a broad "fishing expedition", while at the same time permitting parties to request documents that can be identified with reasonable specificity and which can be shown to be relevant to the case and material to its outcome. This specificity of the information required by Article 3.3 is also designed to help the receiving party decide whether it wants to comply with the request voluntarily (as provided in Article 3.4), or if it wants to raise objections (Article 3.5). The specificity of the request is also designed to make it possible for the arbitral tribunal to decide, if there is an objection to the request to produce, whether or not to grant the request pursuant to the standards set forth in Article 3.¹

¹ Commentary on the revised text of the 2010 IBA Rules on the Taking of Evidence in International Arbitration", p. 7

Although this objection applies to virtually all of the Claimants' requests which could be denied on those grounds alone, the Respondent has engaged in a good faith effort to locate responsive documents, especially in those cases where the general request includes examples of narrower and more specific categories of documents. The Respondent has indicated in the Redfern Schedule where such documents have been identified, however, the Respondent does not represent or undertake that the documents comprise all documents potentially falling within a specific request.

Claimants' Response to Respondent's General Objection A.

Respondent's assertion that Claimants' requests lack specificity is erroneous. Article 3.3(a) of the IBA Rules requires that a request for production contain "a description in sufficient detail (including subject matter) or a narrow and specific requested category of Documents that are reasonably believed to exist." The document requests presented by each of the 37 Claimants represented by Quinn Emanuel Urquhart & Sullivan, LLP (the "Claimants") are specific and carefully tailored to issues that are relevant and material to the determination of the case.

In addition, Respondent's general objection as to lack of specificity is undetailed and fails to identify the bases for such assertions. Respondent's objection is simply that Claimants' requests "lack the specificity required by Item 15.2.1 of PO1, which embodies Article 3(3)(a)(ii) of the IBA Rules" because they "do not describe a "narrow and specific category of documents that are reasonably believed to exist", and are more akin to the practice of demanding 'discovery' of documents under common law civil litigation procedures.'"" However, Respondent's characterizations of Claimants' request are inaccurate. Respondent fails to provide the specific bases for such assertions. Respondent's objection is inapposite. Each of the Claimants' document requests specifically identifies a narrow category of documents that pertains to a particular subject matter. For example, Respondent objects to Claimants' Request No. 27 on grounds of lack of specificity. However, Claimants' Request No. 27 is specific. It asks for discrete information relating to the *Segunda Sala Regional Hidalgo- México's* injunctive relief order (*medida cautelar*) issued in favor of E-Games on September 2, 2013. Moreover, in Request No. 27—as in each of their requests—Claimants provide examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (oficios)). Respondent claims that "[u]nder the Claimants' definition of "documents" their requests extend beyond the IBA definition to include "all writings of any kind, whether in draft or final form, whether recorded on paper, electronic means, audio or visual recordings, or any other mechanical or electronic means of storing or recording information, including, but not limited to, all communications (including reports, memoranda, presentations, letters, and e-mail and facsimile correspondence), notes, meeting minutes, board resolutions, transcripts, talking points, pitch books, speeches, financial statements, proposals, diagrams, drawings, and charts.'"" This is false. As previously stated, Claimants provide specific examples of the types of documents that would be responsive to their request. In addition, for Request No. 27, as for each request, Claimants provide concrete information regarding

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the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. The information provided by Claimants for each request sufficiently identifies the requested documents.

In sum, each of Claimants' other requests is similarly narrowly tailored, and in compliance with the IBA Rules, as each request references a particular subject matter that is relevant to the Claimants' claims against Respondent, provides an explanation detailing such relevance, and cites to the particular paragraphs in the Memorial on the Merits and/or Counter-Memorial on the Merits, and supporting documents where such allegations are made.

Accordingly, Claimants respectfully request that the Tribunal overrule Respondent's General Objection A and disregard it in connection with its decisions on whether to order the Respondent to produce the requested documents.

Claimants' General Response to Mexico's Failure to Identify Responsive Documents ("Claimants' General Response"):

For 34 out of Claimants' 77 Requests, Mexico makes a blanket and unsubstantiated assertion that "it has not identified any documents that would be responsive to this request." The number of requests for which Respondent has made this assertion (44% of Claimants' requests) is improper, and Respondent's assertion that it has no documents in response to these requests is not credible. Furthermore, if Respondent intends to make this assertion, it must at least provide Claimants with a report detailing the specific efforts it has undertaken to search for documents responsive to these requests. Without more information, Claimants will be forced to conclude that this does not constitute a good faith attempt on Respondent's part to comply with Claimants' document requests. Claimants thus expressly reserve their right to request that the Tribunal draw adverse inferences consistent with Respondents' failure to conduct a reasonable and good faith search for, and ultimately produce, documents.

Furthermore, and importantly, Claimants question the veracity of Respondent's statements that it has not identified documents responsive to various requests because in accordance with Mexican law, Respondent should have most, if not all, of the requested information. Based upon the Mexican General Transparency Law (the "Transparency Law"), the State will guarantee the effective access of every person to the information in possession of any entity, authority, organ and organism of the Executive, Legislative and Judicial powers, autonomous bodies, political parties, trusts and public funds. Specifically, Articles 4 and 6 of the Transparency Law establish the right of the general public to access the government's information as well as guarantee public access to this information.² ***Here, this means that SEGOB, and/or any other entity within the Mexican government, is required to maintain this information as well as to provide access to the requested information. Specifically, Article 17 of the Reglamento De La Ley Federal de Juegos y Sorteos (Regulation of the Federal Gaming Law) states that SEGOB must maintain a database that contains various information about each permit holder.***³

² El artículo 4 de la Ley establece que "el derecho humano de acceso a la información comprende solicitar, investigar, difundir, buscar y recibir información. Toda la información generada, obtenida, adquirida, transformada o en posesión de los sujetos obligados es pública y accesible a cualquier persona en los términos y condiciones que se establezcan en la presente Ley, en los tratados internacionales de los que el Estado mexicano sea parte, la Ley Federal, las leyes de las Entidades Federativas y la normatividad aplicable en sus respectivas competencias; sólo podrá ser clasificada excepcionalmente como reservada temporalmente por razones de interés público y seguridad nacional, en los términos dispuestos por esta Ley."

De igual forma, el artículo de la Ley 6 establece que el Estado garantizará el efectivo acceso de toda persona a la información en posesión de cualquier entidad, autoridad, órgano y organismo de los poderes Ejecutivo, Legislativo y Judicial, órganos autónomos, partidos políticos, fideicomisos y fondos públicos; así como de cualquier persona física, moral o sindicato que reciba y ejerza recursos públicos o realice actos de autoridad en el ámbito de la Federación, de las Entidades Federativas y los municipios.

³ **Artículo 17.-** La Dirección integrará y mantendrá actualizada una Base de Datos sobre Juegos con Apuestas y Sorteos, que contendrá, al menos, la siguiente información:

I. Los permisos otorgados y sus modificaciones;

II. Las sanciones que imponga la Secretaría con motivo de la aplicación de la Ley y este Reglamento;

As such, by law, Mexico must maintain this information related to each permit holder in its database. Other agencies and departments of the Mexican government have similar requirements. Therefore, Mexico should have much, if not all, of the requested information in its records and it should be produced.

Furthermore, the Transparency Law also requires that all official communications, consultations and interactions between government officials must be done through an *oficio* (an official resolution), which can be sent physically or by email, and which generate acknowledgments of receipt. Failure to comply with these rules can subject the public servant to liability. As such, Respondent should have records of all relevant official communications related to E-Games and to the subject matters requested in Claimants' document requests. The *Ley Federal de Archivos* (Federal Records Law) in Article 27 also provides that these records must be maintained for at least 30 years, so Mexico may not claim that these records are no longer available.

Furthermore, based upon the aforementioned requirement, at the very least Respondent should produce the *oficios* requesting the various documents from government entities in Mexico, and produce the *oficios* describing the search that each agency/entity conducted in response to the request for the documents.

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- III. *La identidad de los permisionarios y de los operadores que contraten, incluyendo, en su caso, la de las personas físicas o morales que los conformen hasta el último accionista o beneficiario;*
 - IV. *La identidad de los funcionarios y empleados de primer nivel de cada permisionario y de su operador u operadores;*
 - V. *La identidad de las personas que presten servicios profesionales vinculados al corretaje y cruce de apuestas en los establecimientos autorizados;*
 - VI. *Nombre y fotografía de los inspectores de la Secretaría y, en su caso, las sanciones definitivas que se les hayan impuesto, así como de aquellos que hubieren causado baja;*
 - VII. *Datos y estadísticas sobre la actividad nacional de juegos con apuestas y sorteos;*
 - VIII. *Los estados financieros trimestrales y anuales de los permisionarios de juegos con apuestas, cuando corresponda;*
 - IX. *Los procedimientos de sanción administrativa en curso en materia de juegos con apuestas y sorteos, incluidos aquellos que se encuentren en litigio judicial, así como cualquier procedimiento legal ejercido en contra del permisionario, sus operadores, accionistas o beneficiarios;*
 - X. *Las resoluciones que adopte el Consejo Consultivo;*
 - XI. *La relativa a los Órganos Técnicos de Consulta en materia de Hipódromos, Galgódromos y Frontones, y*
 - XII. *La que determine la Secretaría.*

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
I. E-Games as Independent Operator					
1.	Any document related to, prepared in connection with, or containing an analysis of SEGOB's May 27, 2009 Resolution, which granted E-Games the status of "independent operator" (<i>operador independiente</i>), including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and January 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument, supported by Mr. Lazcano, that there is no figure of "independent operator" under Mexican law (Respondent's Counter-Memorial, ¶ 57; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶ 47).</p> <p>These documents are also relevant and material to Claimants' claim that SEGOB's May 27, 2009 Resolution granted E-Games the status of independent operator (Claimants' Memorial, ¶¶ 105-116).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Furthermore, Respondent's statement that it "has not identified any documents that would be responsive to this request" is astonishing and disingenuous. On May 27, 2009, SEGOB issued a Resolution officially recognizing E-Games as an independent operator under E-Mex's permit, and allowed E-Games to continue operating the Casinos independently from E-Mex's permit, relying on the principle of acquired rights. It is disingenuous that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the Resolution. Moreover,</p>	No decision required. See PO10, ¶ 8.

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it is also disingenuous that Respondent would not have prepared correspondence, analyses, or other documents reflecting and/or analyzing the Resolution and its relationship to Claimants' independent permit, particularly given its claims in this proceeding.

Furthermore, as explained in detail in Claimants' Memorial, during the course of the *Amparo* proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or derived from the May 27, 2009 Resolution, without specifying which resolutions were to be rescinded. On the following day, *less than 24 hours later*, SEGOB responded with a list of resolutions that should be rescinded because, as they claimed, they were based on or derived from the May 27, 2009 Resolution. It is simply not credible that when asked to analyze resolutions that were based on or derived

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				<p>from the May 27, 2009 Resolution that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the Resolution and/or analyzing the Resolution in relation to other resolutions and/or its relationship to Claimants' independent permit.</p>	
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		government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
2.	Any document related to, prepared in connection with, or containing an analysis of the status of “independent operator” (<i>“operador independiente”</i>) under Mexican law, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and January 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument, supported by Mr. Lazcano, that there is no figure of “independent operator” under Mexican law (Respondent's Counter-Memorial, ¶ 57; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶ 47).</p> <p>These documents are also relevant and material to Claimants' claim that SEGOB's May 27, 2009 Resolution granted E-Games the status of independent operator (Claimants' Memorial, ¶¶ 105-116).</p> <p>This request concerns a narrowly defined category of documents</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Furthermore, Respondent's statement that it “has not identified any documents that would be responsive to this request” is astonishing and disingenuous. On May 18, 2009, E-Games requested that SEGOB formally recognize it as an independent operator of the casinos under E-Mex's permit. On May 27, 2009, SEGOB issued a Resolution officially recognizing E-Games as an independent operator (<i>“operador independiente”</i>) under E-Mex's permit, and allowed</p>	No decision required. See PO10, ¶ 8.

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				<p>E-Games to continue operating the Casinos independently from E-Mex's permit, relying on the principle of acquired rights. It is disingenuous that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the Resolution and/or analyzing the Resolution and its relationship to Claimants' independent permit.</p> <p>Furthermore, as explained in detail in Claimants' Memorial, during the course of the <i>Amparo</i> proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator (“<i>operador independiente</i>”), without specifying which resolutions were to be rescinded. On the following day, SEGOB responded with a list of resolutions that</p>	
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				<p>should be rescinded because, as they claimed, they were based on or derived from the May 27, 2009 Resolution. It is simply not credible that when asked to analyze resolutions that were based on or derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator, that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the independent operator status.</p>	
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		within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
3.	Any document related to or reflecting an analysis or opinion that E-Games was not an independent operator (“ <i>operador independiente</i> ”) under E-Mex’s permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and January 31, 2015.	<p>The requested documents are relevant and material to Respondent’s argument, supported by Mr. Lazcano, that there is no figure of “independent operator” under Mexican law and that E-Games was not an independent operator (Respondent’s Counter-Memorial, ¶ 57; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶ 47).</p> <p>These documents are also relevant and material to Claimants’ claim that SEGOB’s May 27, 2009 Resolution granted E-Games the status of</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants’ General Response.</p> <p>Furthermore, Respondent’s statement that it “has not identified any documents that would be responsive to this request” is astonishing and disingenuous. On May 18, 2009, E-Games requested that SEGOB formally recognize it as an independent operator of the casinos under E-Mex’s permit. On May 27, 2009, SEGOB issued a Resolution</p>	No decision required. See PO10, ¶ 8.

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				<p>officially recognizing E-Games as an independent operator (“<i>operador independiente</i>”) under E-Mex’s permit, and allowed E-Games to continue operating the Casinos independently from E-Mex’s permit, relying on the principle of acquired rights. It is disingenuous that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the Resolution and/or analyzing the Resolution and its relationship to Claimants’ independent permit, particularly given its arguments in this proceeding that there is no figure of independent operator under Mexican law.</p> <p>Furthermore, as explained in detail in Claimants’ Memorial, during the course of the <i>Amparo</i> proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or</p>	
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				<p>derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator (“<i>operador independiente</i>”), without specifying which resolutions were to be rescinded. On the following day, SEGOB responded with a list of resolutions that should be rescinded because, as they claimed, they were based on or derived from the May 2009 Resolution. It is simply not credible that when asked to analyze resolutions that were based on or derived from the May 2009 Resolution, which granted E-Games the status of independent operator, that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the independent operator status.</p>	
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		<p>independent operator (Claimants' Memorial, ¶¶ 105-116).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
II. Petolof, E-Games, and Acquired Rights					
4.	Any document related to, prepared in connection with, or reflecting an analysis or opinion comparing Petolof and E-Games and/or comparing SEGOB's October 28, 2008 Resolution and SEGOB's May 27, 2009 Resolution, including without limitation, copies of internal or external government correspondence,	The requested documents are relevant and material to Respondent's argument that Claimant's reliance on the Petolof precedent was not sound because Petolof obtained its independent operator resolution in October 2008, several months after E-Games made the decision to transfer its operations to the E-	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On August 28, 2013 in the <i>Amparo</i></p>	No decision required. See PO10, ¶ 8.

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				<p>1668/2011 proceeding, SEGOB reasoned that E-Games' November 16, 2012 permit had to be rescinded because all of the resolutions subsequent to the May 27, 2009 Resolution—including the November 16, 2012 Resolution—were based on the principle of “acquired rights,” which SEGOB argued had been ruled unconstitutional by the <i>Amparo</i> judge. Three years later, on May 27, 2016, SEGOB issued Petolof its own independent permit. SEGOB did so despite having previously recognized Petolof had “acquired rights” in connection with a third party’s permit, and having stated in the <i>Amparo</i> 1668/2011 proceeding that the principle of “acquired rights” was unconstitutional. In this context, it seems nearly certain that SEGOB would have generated correspondence related to Petolof and/or E-Games in this regard, and/or analyses of the two Resolutions.</p>	
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				Based upon its responses to Claimants' requests for documents, Respondent would have this Tribunal believe that it does not conduct any internal analyses or engage in internal communications relating to permits and/or permit holders. This is inconceivable.	
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	<p>reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2008 and December 31, 2012.</p>	<p>Mex permit (Respondent's Counter-Memorial, ¶¶ 106, 141).</p> <p>These documents are also relevant and material to Claimants' claim that their decision to operate under the E-Mex permit was, in part, due to their understanding that another company, Petolof, had successfully achieved independent operator status (Claimants' Memorial, ¶¶ 118-125).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			

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5.	Any documents related to, prepared in connection with, or reflecting an analysis or opinion of the concept of acquired rights (<i>"derechos adquiridos"</i>), including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2008 and December 31, 2016.	<p>The requested documents are relevant and material to Respondent's argument that E-Games and Petolof were not in like circumstances, particularly in regards to SEGOB having granted Petolof's permit in compliance with a court order (Respondent's Counter-Memorial, ¶¶ 419-427, 136-456; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 77-96).</p> <p>These documents are also relevant and material to Claimants' claim that their decision to operate under the E-Mex permit was, in part, due to their understanding that another company, Petolof, had successfully achieved independent operator status (Claimants' Memorial, ¶¶ 118-125).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession,</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On August 28, 2013 in the <i>Amparo</i> 1668/2011 proceeding, SEGOB reasoned that E-Games' November 16, 2012 permit had to be rescinded because all of the resolutions subsequent to the May 27, 2009 Resolution—including the November 16, 2012 Resolution—were based on the principle of "acquired rights," (<i>"derechos adquiridos"</i>) which SEGOB argued had been ruled unconstitutional by the <i>Amparo</i> judge. Three years later, on May 27, 2016, SEGOB issued Petolof its own independent permit based upon the doctrine of</p>	No decision required. See PO10, ¶ 8.

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			<p>“acquired rights.” SEGOB did so despite having previously recognized Petolof had “acquired rights” in connection with a third party’s permit, and having stated in the <i>Amparo</i> 1668/2011 proceeding that the principle of “acquired rights” was unconstitutional. In this context, it seems extremely likely that SEGOB would have generated correspondence related to the concept of acquired rights in this regard, and/or analyses of concept and its implications for E-Games and/or Petolof.</p> <p>Based upon its responses to Claimants’ requests for documents, Respondent would have this Tribunal believe that it does not conduct any internal analyses or engage in internal communications relating to permits and/or permit holders. This is inconceivable.</p>	
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		custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
6.	Any documents related to, prepared in connection with, or reflecting an analysis of SEGOB's October 28, 2008 resolution that held that Petolof had acquired rights over EDN's permit to use 7 of EDN's gaming establishments including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and April 30, 2014.	<p>The requested documents are relevant and material to Respondent's argument that E-Games and Petolof were not in like circumstances, particularly in regards to SEGOB having granted Petolof's permit in compliance with a court order (Respondent's Counter-Memorial, ¶¶ 419-427, 136-456; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 77-96).</p> <p>These documents are also relevant and material to Claimants' claim that their decision to operate under the E-Mex permit was, in part, due to their understanding that another company, Petolof, had successfully achieved independent operator status</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, request lacks of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p> <p>The broad scope of the request could cover the entire case file related to SEGOB's October 28, 2008 resolution.</p> <p><i>Second</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants provided in exhibit C-253, SEGOB's October 28,</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p><i>First</i>, Claimants' request is reasonable and specific. It asks for discrete information related to SEGOB's October 28, 2008 Resolution that held that Petolof had acquired rights. Specifically, Claimants do not request Petolof's entire casefile as Respondent contends. Instead, they request any documents that contain and/or reflect a discussion and/or analysis of the October 28, 2008 Resolution that held that Petolof had</p>	Request denied: relevance and materiality not established, and overly broad.

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	<p>(Claimants' Memorial, ¶¶ 118-125).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>2008 resolution, which clearly states that Petolof's permit was issued in compliance with a court order (Respondent's Counter-Memorial, ¶¶ 454-456). The Claimants have not explained the relevance and materiality of requesting additional documents, other than the SEGOB's resolution explaining the grounds for its decision.</p> <p>The Claimants also argued that the documents are relevant to their claim that their decision to operate under E-Mex permit was based, in part, in their <u>understanding</u> that Petolof had successfully achieved an "independent operator status". The Claimants, therefore, should have provided the documents in support of their alleged <u>understanding</u> that they had about Petolof. They have only provided Exhibit C-253. The Claimants now request documents to support their argument, but is the other way around. The Claimants are looking to retroactively support its argument about the alleged "understanding" they claimed based on the requested documents.</p> <p><u>Third</u>, for the reasons explained above, the request of documents would be unreasonably burdensome (Item 15.1 of PO1</p>	<p>acquired rights, a doctrine that allowed Petolof to function as an independent operator, and to ultimately acquire an independent permit, but that was ruled unconstitutional in Claimants' case.</p> <p>Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents.</p> <p><u>Second</u>, Claimants' request is highly relevant to this case, as it is directly related to both</p>	
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			<p>and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p>	<p>Claimants’ and Respondent’s arguments with respect to Petolof, a competitor, who successfully achieved independent operator status based upon the doctrine of acquired rights.</p> <p>Whether or not Petolof’s permit was issued in compliance with a court order does not impact the relevance of these documents or the reasonableness of the request. Moreover, if Petolof’s permit was issued in compliance with a court order, then SEGOB would have been a party to the proceeding and would certainly have generated internal memoranda, communications, and other documents regarding its views and impressions with respect to the order. These documents should be produced.</p> <p>Furthermore, Respondent’s insinuation that Claimants’ argument is based upon a misguided “understanding”</p>	
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				<p>rings hollow when considered in light of the evidence presented in the case. Claimants do not have access to Respondent’s files, including internal memoranda, communications, etc. reflecting Mexico’s views on the Resolution, as well as its relevance and applicability to Claimants’ permit.</p> <p>Finally, Claimants’ request should not be denied, as Respondent asserts, because it is based on Claimants’ “understanding.” Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of those assertions. Respondent’s reason to not produce documents based on such requests is inapposite. As the tribunal noted in <i>Gabriel Res. Ltd. v. Romania</i>, “while each Party bears the burden to prove its own case, a Party should also have access to documents that will permit it to develop such case, whether that is in the form of</p>	
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				a claim or a defence or both.” ⁴	
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal’s Decision
7.	Any documents related to, prepared in connection with, or reflecting an analysis of Petolof’s application to SEGOB requesting the October 28, 2008 resolution including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2008 and December 31, 2016.	<p>The requested documents are relevant and material to Respondent’s argument that Claimant’s reliance on the Petolof precedent was not sound because Petolof obtained its independent operator resolution in October 2008, several months after E-Games made the decision to transfer its operations to the E-Mex permit (Respondent’s Counter-Memorial, ¶¶ 106, 141).</p> <p>These documents are also relevant and material to Claimants’ claim that their decision to operate under the E-Mex permit was, in part, due to their understanding that another company, Petolof, had successfully achieved independent operator status (Claimants’ Memorial, ¶¶ 118-125). These documents are also relevant and material to Claimants’ claim that Petolof’s status as permit holder proves that Mexico is applying different</p>	The Respondent objects this request for the same reasons described in response to request number 6 <i>supra</i> .	Claimants reiterate their rationale with respect to Request No. 6.	Request denied: relevance and materiality not established, and overly broad.

⁴ *Gabriel Res. Ltd. v. Romania*, ICSID Case No. ARB/15/31, Procedural Order No. 10 ¶ 28, June 8, 2018.

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		<p>standards under similar circumstances (Claimants' Memorial, ¶¶ 126-128).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
8.	<p>Documents related to, prepared in connection with, or reflecting an analysis of SEGOB's granting of a permit to EDN and Petolof, including but not limited to in connection with <i>Amparo</i> 176/2005-3, Administrative Proceeding UG-010/2008, SEGOB's October 28, 2008 resolution, and the contract between Petolof and EDN and any modifications to the same, and SEGOB Resolution No. DGJS/DGAAD/DCRCA/P-01/2016, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, SEGOB, EDN and/or Petolof between January 1, 2008 and December 31, 2016.</p>	<p>The requested documents are relevant and material to Respondent's argument that E-Games and Petolof were not in like circumstances, particularly in regards to SEGOB having granted Petolof's permit in compliance with a court order (Respondent's Counter-Memorial, ¶¶ 419-427, 136-456; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 77-96).</p> <p>These documents also are relevant and material to Claimants' claim that E-Games' request for a permit relied on the Petolof case and that Petolof's status today proves that Mexico is applying different standards under similar circumstances (Claimants' Memorial, ¶¶ 117-128; <i>see also</i> Mr. Ezequiel González expert report (CER-3), ¶¶ 40-60).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or</p>	<p>The Respondent objects this request for the same reasons described in response to request number 6 <i>supra</i>.</p> <p>Additionally, this request is broader, and therefore, burdensome. It would not only require to produce the case file of the administrative proceeding that resulted in the SEGOB's October 28, 2008 resolution, but also case file of <i>Amparo</i> 176/2005-3, and SEGOB Resolution No. DGJS/DGAAD/DCRCA/P-01/2016.</p> <p>Furthermore, the Respondent has explained and shown that E-Games and Petolof were not in similar circumstances, in part relying on the Claimant's exhibits C-328 and C-253, which are official documents issued by SEGOB (Respondent's Counter-Memorial, ¶¶ 445- 456). The Claimants have not explained the relevance and materiality of requesting additional documents beyond those that reflect the position on the Respondent regarding the situation of Petolof.</p>	<p>Claimants reiterate their rationale with respect to Request No. 6.</p> <p>Moreover, this request is highly relevant to this case, as it is directly related to both Claimants' and Respondent's arguments with respect to Petolof, a competitor, who successfully achieved independent operator status, and ultimately an independent permit, based upon the doctrine of acquired rights. That the request would require production of an entire case file (though Claimants do not presume to know whether this is the case) does not render the request burdensome.</p> <p>In addition, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts,</p>	<p>Request denied: relevance and materiality not established, and overly broad.</p>

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		<p>should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>minutes, memoranda, analyses, and official resolutions (<i>oficios</i>). Claimants have also provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents.</p> <p>Moreover, Respondent cannot assert that it is absolved of the responsibility to produce additional documents because it characterizes two documents that Claimants have already produced as purportedly supportive of its arguments that E-Games and Petolof were not in similar circumstances. Because Respondent says it does not make it so.</p> <p>Claimants are entitled to documents related to the granting of Petolof's permit. Claimants' expert, Mr. González, explains in detail</p>	
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				<p>how Claimants' request to obtain independent operator status and SEGOB's granting of independent operator status to E-Games were based upon the Petolof precedent. Petolof was later granted a permit based upon the doctrine of acquired rights, a doctrine that was ruled unconstitutional in the case of E-Games. Documents reflecting an analysis of SEGOB's granting of a permit to Petolof are directly relevant to the issues in this proceeding, as Mexico applied different standards in the case of Petolof under similar circumstances.</p>	
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III. Purported Link Between E-Mex and E-Games' Permits					
9.	Any documents related to, prepared in connection with, or reflecting an analysis of the relationship between E-Mex and E-Games, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between May 1, 2008 and January 31, 2015.	<p>The requested documents are relevant and material to Ms. Salas' testimony that "[t]he insubsistence of E-Games' permit in no way was due to the influence of E-Mex or of any other person..." (Salas witness statement (RWS-1), ¶ 26) and Respondent's argument that Claimants' Casinos were "irrevocably linked to E-Mex and Mr. Rojas Cardona" (Respondent's Counter-Memorial, ¶ 101).</p> <p>These documents are also relevant and material to Claimants' argument that "Claimants' new permit was officially a new independent permit encompassing the same rights and obligations as E-Mex's permit (Claimants' Memorial, ¶ 141).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the</p>	The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. In its Counter-Memorial, Respondent argues that Claimants' Casinos were "irrevocably linked to E-Mex and Mr. Rojas Cardona" (Respondent's Counter-Memorial, ¶ 101). Respondent would have this Tribunal believe that SEGOB does not generate any internal analyses with respect to various permit holders and permits. This is not credible, especially given the context, including that Ms. Salas and her successor, Mr. Cangas, made various statements in which they</p>	No decision required. See PO10, ¶ 8.

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		<p>Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>linked E-Games' permit with E-Mex's. <i>See, e.g.</i>, C-17; Second Witness Statement of Luc Pelchat, ¶ 9; Witness Statement of Benjamin Chow, ¶ 25.</p>	
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10.	<p>Any documents related to, prepared in connection with, or reflecting an analysis of SEGOB Resolution DGJS/SCEV/0827/2012 (the “August 15, 2012 Resolution”), including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2015.</p>	<p>The requested documents are relevant and material to Respondent’s argument that “there is a clear and direct link between the August 15, 2012 Resolution and the November 16, 2012 Resolution, which makes it possible to conclude that the latter is a consequence of the former,” and that “a comprehensive reading of the November 16, 2012 Resolution makes it possible to observe the clear relationship with the August 15, 2012 Resolution since the former intended to confirm the terms of the second” (Respondent’s Counter-Memorial, ¶¶ 178, 181).</p> <p>The requested documents are also relevant and material to Claimant’s argument that there is no legal correlation between SEGOB’s August 15, 2012 Resolution and SEGOB’s November 16, 2012 Resolution as specified in the Amparo judge’s order (Claimants’ Memorial, ¶¶ 168-177).</p>	<p>The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants’ General Response.</p> <p>Respondent’s statement that it “has not identified any documents that would be responsive to this request” is disingenuous. On August 15, 2012, SEGOB issued the August 15, 2012 Resolution in which it recognized that E-Games had acquired rights for the use and operation of E-Mex’s permit and, as a result, was entitled to the rights and obligations under E-Mex’s permit in its own name. SEGOB’s August 15, 2012 Resolution thus conferred upon E-Games the rights and obligations of a permit holder for purposes of continuing to operate the Casinos. SEGOB should have at least correspondence and/or analysis of the Resolution discussing its understanding of its scope,</p>	<p>No decision required. See PO10, ¶ 8.</p>

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		<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>application, etc.</p> <p>Furthermore, as explained in detail in Claimants' Memorial, during the course of the <i>Amparo</i> proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator ("<i>operador independiente</i>"), without specifying which resolutions were to be rescinded. On the following day, SEGOB responded with a list of resolutions that should be rescinded because, as they claimed, they were based on or derived from the May 2009 Resolution. This list included the August 15, 2012 Resolution. It is simply not credible that when asked to analyze resolutions that were based on or derived from the May 2009 Resolution, which granted E-Games the status of independent operator, that Respondent would not have</p>	
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				prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the various resolutions it argued should be rescinded.	
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11.	Any documents related to, prepared in connection with, or reflecting an analysis of SEGOB Resolution DGJS/SCEV/1426/2012 (the "November 16, 2012 Resolution"), including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2015.	The requested documents are relevant and material to Respondent's argument that "there is a clear and direct link between the August 15, 2012 Resolution and the November 16, 2012 Resolution, which makes it possible to conclude that the latter is a consequence of the former," and that "a comprehensive reading of the November 15, 2012 Resolution makes it possible to observe the clear relationship with the August 15, 2012 Resolution since the former intended to confirm the terms of the second" (Respondent's Counter-Memorial, ¶¶ 178, 181).	The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On November 16, 2012, SEGOB issued Resolution DGJS/SCEV/1426/2012, granting E-Games its own independent permit with its distinct permit number: DGAJS/SCEVF/P-06/2005-BIS. In essence, Respondent is stating that it has no documents—including internal analyses, communications, memoranda, or otherwise—relating to Claimants' permit. This is highly suspicious.</p> <p>It is not credible that Respondent would not have at least correspondence and/or analysis of the</p>	No decision required. See PO10, ¶ 8.

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				<p>Resolution discussing its understanding of its scope, application, etc., especially when the Director of SEGOB made various statements calling the associated permit “illegal.”</p> <p>Furthermore, as explained in detail in Claimants’ Memorial, during the course of the <i>Amparo</i> proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator (“<i>operador independiente</i>”), without specifying which resolutions were to be rescinded. On the following day, SEGOB responded with a list of resolutions that should be rescinded because, as they claimed, they were based on or derived from the May 2009 Resolution. SEGOB’s list included the November 2012 Resolution. It is simply not credible that when asked to analyze</p>	
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				resolutions that were based on or derived from the May 2009 Resolution, that Respondent would not have prepared any correspondence, analyses, or other documents reflecting its contemporaneous views of the November 2012 Resolution.	
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		<p>The requested documents are also relevant and material to Claimant's argument that there is no legal correlation between SEGOB's August 15, 2012 Resolution and SEGOB's November 16, 2012 Resolution as specified in the Amparo judge's order (Claimants' Memorial, ¶¶ 168-177). The requested documents are also relevant and material to Claimant's argument that there is no correlation between SEGOB's May 27, 2009 Resolution and SEGOB's November 16, 2012 Resolution (Claimants' Memorial, ¶¶ 178-182).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to,</p>			

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		possession, custody or control of, the requested documents.			
12.	Any documents related to, prepared in connection with, or reflecting an analysis of the granting of DGAJS/SCEVF/P-06/2005-BIS in favor of E-Games, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument that E-Games' permit is not an independent permit, only a continuation of the E-Mex permit (Respondent's Counter-Memorial, ¶¶ 170).</p> <p>The requested documents are also relevant and material to Claimant's argument that the numbering in E-Games' permit, as well as the permit's language, indicates SEGOB's clear intention to confer a new and independent permit to E-Games (Claimant's Memorial, ¶ 151; <i>see also</i> Mr. Ezequiel González expert report (CER-3), ¶ 75).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they</p>	The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On November 16, 2012, SEGOB issued Resolution DGJS/SCEV/1426/2012, granting E-Games its own independent permit with its distinct permit number: DGAJS/SCEVF/P-06/2005-BIS.</p> <p>In essence, Respondent is stating that it has no documents—including internal analyses, communications, memoranda, or otherwise—relating to the Resolution that granted Claimants'</p>	No decision required. See PO10, ¶ 8.

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				<p>permit. This is highly suspicious.</p> <p>Furthermore, as explained in detail in Claimants' Memorial, during the course of the <i>Amparo</i> proceedings, on August 27, 2013, the Sixteenth District Judge issued a judgment ordering SEGOB to rescind all resolutions based on or derived from the May 27, 2009 Resolution, which granted E-Games the status of independent operator ("<i>operador independiente</i>"), without specifying which resolutions were to be rescinded. On the following day, SEGOB responded with a list of resolutions that should be rescinded because, as they claimed, they were based on or derived from the May 2009 Resolution. SEGOB's list included the November 2012 Resolution. It is simply not credible that when asked to analyze resolutions that were based on or derived from the May 2009 Resolution, that Respondent would not have prepared any</p>	
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				correspondence, analyses, or other documents reflecting its contemporaneous views of the November 2012 Resolution.	
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		are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
IV. Duration of E-Games' Permit					
13.	Any documents related to, prepared in connection with, or reflecting an analysis of the duration of E-Games' permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2015.	<p>These documents are relevant to Respondent's assertion that the duration of E-Games' permit was linked to E-Mex's permit (Respondent's Counter-Memorial, ¶¶ 169-172).</p> <p>These documents are also relevant and material to Claimants' argument that the November 16, 2012 Resolution granted E-Games an independent permit for a period of at least 25 years and the permit would have been valid until at least 2037 with the possibility of renewals (Claimants' Memorial, ¶¶ 153-155).</p>	The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On November 16, 2012, SEGOB issued Resolution DGJS/SCEV/1426/2012, granting E-Games its own independent permit with its distinct permit number: DGAJS/SCEVF/P-06/2005-BIS. It is simply not credible that Respondent would not have generated correspondence, internal</p>	No decision required. See PO10, ¶ 8.

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				<p>analyses, or other documents that reflected SEGOB's views related to the duration of E-Games' permit, especially given Respondent's blanket assertion in its Counter-Memorial that the duration of E-Games' permit was linked to E-Mex's permit (Respondent's Counter-Memorial, ¶¶ 169-172).</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
14.	<p>Any documents related to, prepared in connection with, or reflecting an analysis of possible 15 year renewals of gaming permits as provided in the 2004 Gaming Regulation, Article 33, as well as this Article's application to E-Games, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of</p>	<p>These documents are relevant to Respondent's assertion that the duration of E-Games' permit was linked to E-Mex's permit (Respondent's Counter-Memorial, ¶¶ 169-172).</p> <p>These documents are also relevant and material to Claimants' argument that the November 16, 2012 Resolution granted E-Games an independent permit for a period of at least 25 years and the permit would have been valid until at least 2037, and that the permit could and very</p>	<p>The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Counter-Memorial.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. To be clear, Respondent claims that it has no documents, communications, and/or analyses of its own Gaming Regulation and/or its application to E-Games.</p>	<p>No decision required. See PO10, ¶ 8.</p>

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				<p>This is implausible, especially in the context of Respondent's assertion that duration of E-Games' permit was linked to E-Mex's permit (Respondent's Counter- Memorial, ¶¶ 169-172). It is hard to understand how Respondent can make this blanket assertion without a reference to documents, communications, and/or analyses of its 2004 Gaming Regulation.</p>	
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	Economy, and/or SEGOB, between January 2011 and January 31, 2015.	<p>likely would have been extended for subsequent 15 year periods (Claimants' Memorial, ¶¶ 153-155).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
15.	Any documents related to, prepared in connection with, or reflecting an analysis of the Mexican government's decision to grant gaming permits with unlimited duration, including without limitation, copies of internal or external government correspondence, calendar records, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions	<p>These documents are relevant to Respondent's assertion that the duration of E-Games' permit was linked to E-Mex's permit (Respondent's Counter-Memorial, ¶¶ 169-172).</p> <p>These documents are also relevant and material to Claimant's argument that the Mexican government has recently granted permits to a</p>	The request lacks of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents. However, the Respondent has undertaken a reasonable search, and found documents that would be responsive to this request. The Respondent has no objection to produce those documents.	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>Claimants' request is reasonable and specific. It asks for discrete information related to the Mexican government's decision to grant gaming permits with</p>	Request granted. The Tribunal notes that the Respondent has agreed to produce all documents responsive to this request that have been found upon a reasonable search.

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	<p>(<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2016 and present.</p>	<p>number of other permit holders with unlimited validity (Claimants' Memorial, ¶ 836).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Respondent has not identified any other documents that would be responsive to this request.</p>	<p>unlimited duration. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, calendar records, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p> <p>In addition, this request is directly related to the duration of Claimants' permit and the possibility that if Mexico had not unlawfully interfered with E-</p>	
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				<p>Games’ permit, that it also would have granted E-Games a permit with unlimited duration. Claimants respectfully request that the Tribunal order Respondent to produce these documents.</p>	
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V. Peña Nieto Government and treatment of E-Games, Producciones Móviles, E-Mex					
16.	Any documents related to, prepared in connection with, or reflecting an analysis of the Peña Nieto government's views of E-Games and its permit, DGAJS/SCEVF/P-06/2005-BIS, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between December 2012 and January 31, 2015.	<p>These documents are relevant and material to Respondent's argument that it "categorically denies" that there were orders from the beginning of the Peña Nieto administration to attack the Claimants (Respondent's Counter-Memorial, ¶¶ 198-199). These documents are also relevant to Ms. Salas' testimony that "I never received instructions or was instructed by my superiors to affect E-Games or any other permit holder in particular" (Ms. Salas witness statement (RWS-1), ¶ 13).</p> <p>These documents are also relevant and material to Claimants' claim that the "new PRI administration mounted a relentless attack on E-Games' hard-won permit," and that "[s]oon after the inauguration of Peña Nieto, the new PRI administration demonstrated openly hostile attitudes towards Claimants and E-Games' permit..." (Claimants'</p>	The Respondent notes that the Claimants included as Exhibit C-289 (<i>Oficio</i> DGJS/DGAJ/DPA/10201/2013), a document that is responsive to this request. Other than this document, the Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" aside from one document that Claimants have already produced in this proceeding is disingenuous. Within weeks of President Peña Nieto taking office, Ms. Salas provided statements to a Mexican newspaper stating that E-Games' permit, DGAJS/SCEVF/P-06/2005-BIS, was illegal. According to Ms. Salas, E-Games' permit was granted at the 11th hour of President Calderón's six-year term without any legal basis. In order to make those blanket statements, Ms. Salas would have had to review materials</p>	No decision required. See PO10, ¶ 8.

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		<p>Memorial, ¶¶ 199-200).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>and/or analyses of the permit, which Respondent exceptionally claims do not exist (<i>see</i> Requests 11 through 12), or she would have had to have communications with others, which would also be responsive to this request. For the government to take such an extreme about face with respect to E-Games' permit, it would have undoubtedly generated documents to support its views.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
17.	Any documents related to, prepared in connection with, or reflecting an analysis of any instructions that Ms. Salas received from superiors or gave to others within the Mexican government during her time as Director of the Games and Raffles Division at SEGOB with respect to E-Games, E-Mex, or Producciones Móviles, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between December 1, 2012 and March 31, 2015.	<p>These documents are relevant and material to Respondent's argument that it "categorically denies" that there were orders from the beginning of the Peña Nieto administration to attack the Claimants (Respondent's Counter-Memorial, ¶¶ 198-199). These documents are also relevant to Ms. Salas' testimony that "I never received instructions or was instructed by my superiors to affect E-Games or any other permit holder in particular" (Ms. Salas witness statement (RWS-1), ¶ 13).</p> <p>These documents are also relevant and material to Claimants' claim that the "new PRI administration mounted a relentless attack on E-Games' hard-won permit," and that "[s]oon after the inauguration of</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" aside from one document that Claimants have already produced in this proceeding is disingenuous. Within weeks of President Peña Nieto taking office, Ms. Salas provided statements to a Mexican newspaper stating that E-Games' permit, DGAJS/SCEVF/P-06/2005-BIS, was illegal. According to Ms. Salas, E-Games' permit was granted at the 11th hour of President Calderón's six-year term without any legal basis. In order to make those blanket statements, Ms. Salas would have had to review materials and/or analyses of the permit, which Respondent</p>	<p>No decision required. See PO10, ¶ 8.</p>

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			<p>exceptionally claims do not exist (<i>see</i> Requests 11 through 12), or she would had to have communications with others, which would also be responsive to this request. For the government to take such an extreme about face with respect to E-Games’ permit, it would have undoubtedly generated documents to support its views.</p> <p>To be clear, Respondent claims that it has no documents, analyses, or communications, relating to any instructions Ms. Salas, who was the Director of the Games and Raffles Division of SEGOB, gave or received, with respect to E-Games, E-Mex, or Producciones Móviles. This is simply not credible.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>Peña Nieto, the new PRI administration demonstrated openly hostile attitudes towards Claimants and E-Games' permit..." (Claimants' Memorial, ¶¶ 199-200).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
18.	Any documents related to, prepared in connection with, or reflecting an analysis of the Mexican government's view on the independent nature of E-Games' permit and/or any links between E-Games' permit and E-Mex's permit, including without limitation, copies of internal or external government	These documents are relevant and material to Respondent's argument that the E-Games permit is related to the May 2009 Resolution, which in turn had its origins in the E-Mex permit (Respondent's Counter-Memorial, ¶¶ 173-185).	The request lacks of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents. The Respondents notes that this request is similar to request 10 in Section III <i>supra</i> of this document. Thus, the same response is applicable to this	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response. Moreover, this request is reasonable and specific. It asks for discrete information relating to an analysis of the	Request granted. The Respondent articulated no objection to Request 10 but instead agreed to conduct a reasonable search for documents responsive to that Request ("The Respondent has not identified documents that would be responsive to

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	<p>correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2015.</p>	<p>These documents are also relevant and material to Claimants' argument that "[o]n November 16, 2012, SEGOB issued Resolution DGJS/SCEV/1426/2012, granting E-Games its own independent permit with its distinct permit number: DGAJS/SCEVF/P-06/2005-BIS" (Claimants' Memorial, ¶ 141). These documents are also relevant to Claimants' assertion that through the November 16, 2012 Resolution, SEGOB confirmed that E-Games had complied with all legal requirements under Mexican law to become an independent permit holder (Claimants' Memorial, ¶¶ 142-152).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>request.</p>	<p>independent nature of E-Games' permit and/or any links between E-Games' permit and E-Mex's permit. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p> <p>In this proceeding, Respondent takes the position that E-Games'</p>	<p>this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial").</p>
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			<p>permit is related to the May 2009 Resolution, which in turn had its origins in E-Mex's permit (Respondent's Counter-Memorial, ¶¶ 173-185). However, E-Games' permit, DGAJS/SCEVF/P-06/2005-BIS, was a distinct permit with its own permit number and the language of the permit itself reflects its independent character.</p> <p>This request is distinct from Requests 10 and 11 in an important way: this request asks for documents and /or communications reflecting the government's view of the independent nature of the E-Games permit, whereas Requests 10 and 11 ask for documents and/or communications reflecting the government's views of the August 15, 2012 Resolution and the November 16, 2012 Resolution. Claimants respectfully request that the Tribunal order production of these documents.</p>	
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19.	Any documents related to, prepared in connection with, or reflecting an analysis of, Producciones Móviles' permit, its similarities with E-Games' permit, the owners of Producciones Móviles' connections to SEGOB, and/or the circumstances under which Producciones Móviles' permit was granted, including, without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and January 31, 2015.	These documents are relevant and material to Respondent's argument that there were some similarities between E-Games and Producciones Móviles, but that there were circumstances of Producciones Móviles that were different than E-Games (Respondent's Counter-Memorial, ¶¶ 419-427). The documents are specifically relevant to Respondent's claim that "SEGOB did not act in a discretionary or discriminatory manner with the aim of affecting E-Games and allowing Producciones Móviles to stay in business" (Respondent's Counter-Memorial, ¶ 423). These documents are also relevant to Respondent's claim that "whether or not the permits of E-Games and Producciones Móviles had some similarities is irrelevant as there was no insubsistence court ruling against the Producciones Móviles permit" (Respondent's Counter-Memorial, ¶ 421).	The request lacks of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents. The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. Respondent claims to have no documents and or analyses related to Producciones Móviles' permit and/or documents and/or analyses comparing Producciones Móviles and E-Games' permits.</p> <p>Furthermore, this request is reasonable and specific. It asks for discrete information relating to Producciones Móviles and E-Games. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts,</p>	Request granted. The Respondent is directed to confirm that, notwithstanding its stated objection, it conducted a reasonable search before concluding that it "has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Counter-Memorial", and to conduct such a reasonable search if it did not. If the Respondent so confirms, see PO10, ¶ 8.

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	<p>These documents are also relevant and material to Claimants’ argument that the Resolution granting Producciones Móviles’ permit is identical to E-Games’ and that as such, Respondent acted inconsistently in its treatment of E-Games’ permit, favoring domestic permit holders in similar circumstances (Claimants’ Memorial, ¶¶ 156-161), especially considering the admission by Respondent in other documents that it had determined that both the E-Games and Producciones Móviles permits were “illegal” and issued under supposedly irregular circumstances long before there was any court ruling relating to E-Games’ permit.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to,</p>	<p>minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent’s objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p> <p>The similarities between Producciones Móviles’ permit and E-Games’ permit, as well as the circumstances under which Producciones Móviles’ permit was granted are central to this proceeding. Producciones Móviles was also an operator under E-Mex’s permit and Producciones Móviles requested and obtained its independent permit under the same circumstances as E-Games, but Producciones</p>
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		possession, custody or control of, the requested documents.		Móviles' casinos were not abruptly shuttered in April 2014. Claimants are entitled to understand the government's basis for this decision, as this surely would have generated correspondence, memoranda, or other analyses.	
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
20.	Any documents related to, prepared in connection with, or reflecting an analysis of the any administrative proceedings that the Mexican government initiated against Producciones Móviles, including, but not limited to, copies of the case files from any such administrative proceedings, internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2009 and January 31, 2015.	These documents are relevant and material to Respondent's argument that there were some similarities between E-Games and Producciones Móviles, but that there were circumstances of Producciones Móviles that were different than E-Games (Respondent's Counter-Memorial, ¶¶ 419-427). The documents are specifically relevant to Respondent's claim that "SEGOB did not act in a discretionary or discriminatory manner with the aim of affecting E-Games and allowing Producciones Móviles to stay in business" (Respondent's Counter-Memorial, ¶ 423). These documents are also relevant to Respondent's claim that "whether or not the permits of E-	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Respondent provided in Exhibit R-056, a list of 56 casinos operated by several companies that SEGOB verified and/or closed during 2013 and 2014. The exhibit shows that three casinos operated by Producciones Moviles, were verified and closed (<i>See</i> Nos. 18, 48 y 49). Also, in her statement, Mrs. Gonzalez referred to at least four administrative proceedings against Producciones Moviles (<i>See</i>, RWS-1, ¶ 34). Furthermore,</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p><i>First</i>, Claimant's request is relevant to this case, as it is directly related to one of Claimant's central allegations that Producciones Móviles was in like circumstances to E-Games, but that Producciones Móviles received different, and preferential treatment. The rationale and the basis for the closure of any of Producciones Móviles' casinos is highly relevant and Claimants are entitled to</p>	<p>Request granted in part: the Respondent shall produce, for each of the 9 administrative proceedings initiated by SEGOB against Producciones Móviles (i) the document by which SEGOB initiated the proceeding and identified the irregularities claimed by SEGOB and (ii) the final decision or resolution bringing the administrative proceedings to an end and identifying the reasons for the decision. Remainder of request denied: relevance and materiality not established.</p>

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	<p>Games and Producciones Móviles had some similarities is irrelevant as there was no insubsistence court ruling against the Producciones Móviles permit” (Respondent’s Counter-Memorial, ¶ 421).</p> <p>These documents are also relevant and material to Claimants’ argument that the Resolution granting Producciones Móviles’ permit is identical to E-Games’ and that as such, Respondent acted inconsistently and arbitrarily in its treatment of E-Games’ permit, favoring domestic permit holders in similar circumstances (Claimants’ Memorial, ¶¶ 156-161).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business.</p>	<p>according to the DGJS’s website,⁵ between 2013 and 2015, SEGOB initiated nine administrative proceedings against Producciones Móviles arising out of several irregularities.⁶</p> <p>However, the Claimants do not explain how any document related to the administrative proceedings against Producciones Móviles relates to the allegation that SEGOB acted in a “discretionary or discriminatory manner with the aim of affecting E-Games and allowing Producciones Móviles to stay in business.” Administrative proceedings are usually initiated due to irregularities found. If as a result of those administrative proceedings Producciones Móviles was found liable for an irregularity or not, it does not follow that SEGOB had the intention to affect E-Games and “allow” Producciones Móviles to stay in business. Even if in the administrative proceedings SEGOB found no irregularity, the Claimants have not explained how that outcome means that SEGOB allowed Producciones Móviles to stay in business in connection with the alleged intention to affect E-Games. The other reasons stated also fall short in showing</p>	<p>review and understand the basis for the closures.</p> <p><i>Second</i>, that Respondent already produced one document and Ms. Salas provided some testimony relevant to the request does not absolve Respondent of its obligation to comply with the request. The existence of the administrative proceedings with respect to Producciones Móviles is all the document R-056 reveals. Claimants are also entitled to internal documents and communications related to the administrative proceedings.</p> <p><i>Third</i>, Claimants’ request is not unduly burdensome. The request is specific and identifies discrete information relating to the proceedings against Producciones Móviles, information that is not publicly available. The fact that, as it claims, the administrative proceedings files are lengthy does not</p>	
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⁵ See: [Dirección General de Juegos y Sorteos ::Salas de Sorteos de Números y Centros de Apuestas Remotas](#)

⁶ Administrative proceedings against Producciones Móviles: AJP/053/13, AJP/055/13, AJP/050/13, AJP/088/13, AJP/035/14, AJP/034/14, AJP/109/14, AJP/005/15 and AJP/021/15.

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		<p>Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>that the requested documents as relevant to the case and material to the outcome.</p> <p><i>Second</i>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>As explained in the previous objection, the DGJS’s website shows that, between 2013 and 2015, SEGOB initiated <u>nine</u> administrative proceedings against Producciones Móviles arising out of several irregularities. The Respondent estimates that an administrative proceeding file is comprised of 770 pages on average. Thus, the request would require the Respondent to produce some 6,930 pages, considering nine administrative proceeding files. The production of documents necessary to comply with this request represents an unreasonable burden for the Respondent.</p> <p><i>Third</i>, for the above reasons, the Respondent also objects to the request on the grounds of lack of specificity (Item 15.2.1 of PO1 and Article 3(3)(a)), as explained in the section A of the general objections to this Request for</p>	<p>absolve Respondent of its obligation to comply with the request.</p> <p><i>Finally</i>, the request is specific in that it requests documents related to the administrative proceedings that the Mexican government initiated against Producciones Móviles. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent’s objections as to lack of</p>	
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			Documents.	specificity are undetailed and fail to identify the bases for such assertions. Respondent was able to identify nine administrative proceeding files. These should be produced, along with any related correspondence, memoranda, and/or analyses.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
21.	Any documents related to, prepared in connection with, or reflecting an analysis of the Mexican government's efforts to "give special care to the authorizations granted to the Rojas Cardona family," including without limitation, copies of internal or external government correspondence, calendar records, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and April 30, 2014.	<p>These documents are relevant to Respondent's claim that it gave "special care to the authorizations granted to the Rojas Cardona family" (Ms. Salas witness statement (RWS- 1), ¶ 5).</p> <p>These documents are also relevant to Claimants' argument that they became an operator under E-Mex's permit, but that they sought to separate themselves from E-Mex's permit and eventually obtained their own independent permit that was not linked to E-Mex's permit (Claimants' Memorial, ¶¶ 88- 102).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. In her witness statement, submitted with Respondent's Counter-Memorial, Ms. Salas stated that she gave "special care to the authorizations granted to the Rojas Cardona family for the particular media attention to the permit holder E-Mex and public claims on corruption and fraud." In this context, SEGOB would have generated communications, analyses, and other associated documents. These documents should be produced.</p>	No decision required. See PO10, ¶ 8.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
VI. Politically Motivated Attacks on E-Games' Permit					
22.	Any documents related to, prepared in connection with, or reflecting an analysis of any instructions and/or directions that Ms. Salas received from superiors and/or gave to staff who reported to her reflecting the basis for her or the government's opinion related to her interview with <i>La Jornada</i> in January 2013 where she stated that E-Games' permit was "illegal," including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between December 1, 2012 and March 30, 2015.	<p>These documents are relevant and material to Respondent's argument that it "categorically denies" that there were orders from the beginning of the Peña Nieto administration to attack the Claimants (Respondent's Counter-Memorial, ¶¶ 198-199). These documents are also relevant to Ms. Salas' testimony that "I never received instructions or was instructed by my superiors to affect E-Games or any other permit holder in particular" (Ms. Salas witness statement (RWS-1), ¶ 13).</p> <p>These documents are also relevant and material to Claimants' claim that the "new PRI administration mounted a relentless attack on E-Games' hard-won permit," and that "soon after the inauguration of Peña Nieto, the new PRI administration demonstrated openly hostile attitudes towards Claimants and E-Games' permit..." (Claimants'</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. Within weeks of President Peña Nieto taking office, Ms. Salas provided statements to a Mexican newspaper stating that E-Games' permit, DGAJS/SCEVF/P-06/2005-BIS, was illegal. According to Ms. Salas, E-Games' permit was granted at the 11th hour of President Calderón's six-year term without any legal basis. In order to make those blanket statements, Ms. Salas would have had to review materials and/or analyses of the permit, which Respondent exceptionally claims do not</p>	No decision required. See PO10, ¶ 8.

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	<p>Memorial, ¶¶ 199-200). The requested documents are also relevant and material to Claimants' claim that Respondent revoked E-Games' permit as part of an unwarranted attack that the Mexico initiated against E-Games permit (as well as other permits granted under the PAN administrations) at the outset of the PRI administration out of political rivalry and vengeance that had nothing to do with the legal validity of E-Games' permit (Claimants' Memorial, ¶¶ 200-203, 568; <i>see also</i> Exhibit C-17; <i>see also</i> Mr. Burr witness statement (CWS- 50), ¶ 101; <i>see also</i> Ms. Burr witness statement (CWS-51), ¶ 95).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>exist or she would had to have communications with others within the government, documents which would all be responsive to this request. For the government to take such an extreme about face with respect to E-Games' permit, it would have undoubtedly generated documents to support its views.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
23.	<p>Any document related to, prepared in connection with, or reflecting an analysis of <i>Dirección General de Consultoría Jurídica de Comercio Internacional's</i> (DGCJCI) internal memorandum attached as Exhibit C-261 to Claimants' Memorial,¹ prepared between January 1, 2013 and December 31, 2014, including, without limitation:</p> <p>a) Any document received or reviewed by DGCJCI/the Ministry of Economy in preparation of the internal memorandum;</p> <p>b) Any document related to the statement in the memorandum that the E-Games' permit had been "granted at the end of the last administration in an irregular manner."</p> <p>c) Any correspondence exchanged between SEGOB and DGCJCI/the Ministry of Economy in connection with the internal memorandum; and</p> <p>d) Copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes,</p>	<p>The requested documents are relevant and material to Respondent's argument that the DGCJCI's internal memorandum does not evidence the politically-motivated nature of SEGOB's revocation of E-Games' permit (Respondent's Counter-Memorial, ¶¶ 208-210).</p> <p>The requested documents are relevant and material to Claimants' claims that SEGOB's revocation of E-Games' permit was unrelated to any rulings from the judge in the <i>Amparo</i> proceedings and that the PRI-controlled SEGOB revoked E-Games' permit based on improper and political motive to benefit political allies of President Peña Nieto (Claimants' Memorial, ¶ 211; <i>see also</i> Exhibit C-261). They also are needed to better determine when the Respondent prepared and issued Exhibit C-261, as this document is highly probative and supportive of Claimants' claims and arguments in this proceeding.</p>	<p>The Respondent objects this request for the following reasons:</p> <p>The Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>As explained in the Counter-Memorial, the memorandum shows no political motivation to close E-Games casinos. Also, it explained that the document must have been prepared after 25 August 2014. By then, the courts had confirmed that SEGOB correctly revoked E-Games permit due to its connection with <i>Oficio 2009-BIS</i>. Finally, the Claimants also noted that the memorandum is inaccurate in many aspects. For all these reasons, the memorandum is not relevant to the case and material to its outcome. (Respondent's Counter-Memorial, ¶¶ 208-210).</p>	<p>The request is highly relevant to this case. Exhibit C-261 is an internal memorandum from the <i>Dirección General de Consultoría Jurídica de Comercio Internacional</i> (DGCJCI) relating to Exciting Games. In relevant part, the document states that (1) E-Games solicited and obtained an independent permit, and (2) that the Games and Raffles Division had communicated to the Secretary of Economy that E-Games' permit was cancelled "because it was a permission that had been granted at the end of the previous administration in an irregular way." Documents and or communications related to this memorandum are highly relevant to the claims at issue in the proceeding, including the political motivation to close E-Games' Casinos. Especially given that Respondent claims to have no documents analyzing E-</p>	Request granted.

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	<p>memoranda, analyses, official resolutions (<i>oficios</i>) discussing E-Games, SEGOB's revocation of E-Games' permit, and/or the <i>Amparo</i> 1668/2011 proceeding in connection with the internal memorandum.</p>	<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>Games' permit itself and/or the treatment E-Games received (a contention that Claimants' challenge), communications that form the basis and the government's views for the statement that E-Games' permit was cancelled "because it was a permission that had been granted at the end of the previous administration in an irregular way," are central to this proceeding as well as to its outcome. The timing of the document itself is irrelevant, but Claimants note that Respondent was unable to confirm when the document was created based upon its metadata.</p> <p>The memorandum itself states that that Games and Raffles Division (DGJS) communicated to DGCJCI that Claimants' permit was cancelled "because it was a permission that had been granted at the end of the previous administration in an irregular way, requires that there be underlying communications. These</p>	
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				should be produced.	
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¹ Respondent produced this document to Claimants through document through document exchange in the jurisdictional phase of these proceedings. The document is not dated, nor does it have an author or an intended recipient. When Claimants asked Respondent about the date of the document and who created the document, Respondent indicated that it could not determine the exact date or the original author of this document. *See Exhibit C-367*.

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24.	Any document related to or prepared in connection with SEGOB's February 25, 2013 Notification of Suspension of E-Games' permit published on SEGOB's website, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>) and other documents discussing (a) the legal validity of E-Games' permit and/or (b) rulings in the <i>Amparo</i> 1668/2011 proceeding, prepared between December 1, 2012 and February 25, 2013.	<p>The requested documents are relevant and material to Claimants' claims that the PRI-controlled SEGOB rescinded E-Games' permit for political and discriminatory reasons unrelated to the legal validity of E-Games' permit or to the rulings in the <i>Amparo</i> proceedings (Claimants' Memorial, ¶¶ 200-203).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous. On February 25, 2013, SEGOB published on its website a Notification of Suspension of E- Games' permit.</p> <p>Before posting this information on its website, SEGOB first would have had to analyze E-Games' permit itself and would have had to come to a conclusion that it should be suspended. These analyses and communications are responsive to this request and should be produced. Moreover, SEGOB's decision to post this notification on its website also surely would have</p>	No decision required. See PO10, ¶ 8.

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				generated correspondence and analyses. These documents should also be produced.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
25.	Any document related to or prepared in connection with SEGOB's February 28, 2013 follow up Notification of Suspension of E-Games' permit published on SEGOB's website, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>) and other documents discussing (a) the legal validity of E-Games' permit, (b) rulings in the <i>Amparo</i> 1668/2011 proceeding, and/or (c) the relationship between E-Games' and E-Mex's permits, prepared between December 1, 2012 and February 28, 2013.	<p>The requested documents are relevant and material to Claimants' claims that the PRI-controlled SEGOB rescinded E-Games' permit for political and discriminatory reasons unrelated to the legal validity of E-Games' permit or to the rulings in the <i>Amparo</i> proceedings (Claimants' Memorial, ¶¶ 200-203).</p> <p>In addition, the requested documents are relevant and material to Claimants' claims that SEGOB published the follow-up Notice in retaliation for Claimants' repeated requests made to SEGOB and the Ministry of Economy to address Mexico's illegal and harmful conduct towards Claimants and E-Games' permit, including during the February 28, 2013 meeting between Claimants and officials from the Ministry of Economy and SEGOB (Claimants' Memorial, ¶¶ 208-210; <i>see also</i> Mr. Gutiérrez witness statement (CWS-3), ¶¶ 11-12; <i>see also</i> Mr. Burr witness statement (CWS- 50), ¶ 103; <i>see also</i> Exhibit C- 264).</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>Respondent's statement that it "has not identified any documents that would be responsive to this request" is disingenuous.</p> <p>On February 28, 2013, Mr. Burr had a meeting with Mr. Vera and others in which Mr. Vera stated that E-Games' permit was "illegal," without explaining the basis for this opinion. Immediately following the meeting, SEGOB updated its website to include a new notice falsely stating that E-Games' permit and gaming activities were linked to and dependent on E-Mex's permit. Surely, the decision to publish this notice on SEGOB's website, as well as the baseless statement that E-Games' permit and gaming activities</p>	No decision required. See PO10, ¶ 8.

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				were linked to and dependent on E-Mex's permit immediately following the meeting would have generated correspondence as well as analysis. These documents should be produced.	
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VII. Amparo Proceedings, General					
26.	Any document related to or prepared in connection with E-Games' <i>recurso de inconformidad</i> filed on January 31, 2013, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2014 and December 31, 2014.	<p>The requested documents are relevant and material to Respondent's argument that E-Games' was not protected from SEGOB closing down the Casinos while E-Games' <i>recurso de inconformidad</i> was pending because on April 24, 2014 the aforementioned <i>recurso de inconformidad</i> had not been admitted (<i>admitido a trámite</i>) by the court (Respondent's Counter-Memorial, ¶¶ 328-329).</p> <p>These documents also are relevant and material to Claimants' claim that that the Casinos could not be provisionally closed down because E-Games' <i>recurso de inconformidad</i> before the Mexican Supreme Court was pending, which meant that SEGOB's alleged basis for the closures, that is, the lack of a permit for the operation of the establishments, was <i>sub judice</i> in the <i>Amparo</i> 1668/2011 proceeding at the time that</p>	<p>The Respondent objects this request. The Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Respondent has explained that the <i>recurso de inconformidad</i> before the Supreme Court of Justice did not prevent SEGOB from closing the casinos (Respondent's Counter-Memorial, ¶¶ 328-329).</p> <p>Also, during the Closure Administrative Review Proceedings, E-Games argued that the revocation of the permit was <i>sub judice</i> because of the <i>recurso de inconformidad</i>, and submitted copies of documents related to the <i>recurso de inconformidad</i> (Respondent's Counter-Memorial, ¶ 349).</p> <p>On 26 February and 3 March 2015, SEGOB issued its Final resolutions, and SEGOB found that on the date of the closures, E-Games was operating their casinos without a permit, and that</p>	<p>Respondent's objection is without merit and should be overruled because it is based solely on the fact that Respondent considers that the request is not relevant or material because Respondent "has explained that the <i>recurso de inconformidad</i> before the Supreme Court of Justice did not prevent SEGOB from closing the casinos."</p> <p>Respondent's reason not to produce documents based on such request is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that</p>	Request denied: relevance and materiality not established.

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	<p>SEGOB closed Claimants' Casinos (Claimants' Memorial, ¶ 404; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 63-67).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>there was no legal impediment for SEGOB to execute its authority to verify the compliance with the LFJS (<i>See</i>, Exhibit C-361, <i>e.g.</i>, pages 5-11 -Final resolution issued in the Closure Administrative Review Proceedings regarding the Villahermosa Casino-. This exhibit contains the final resolutions of the six Closure Administrative Review Proceedings initiated as a result of the closure of all of E-Games casinos, and a similar finding was made the other five final resolutions).</p> <p>Finally, E-Games filed a <i>recurso de revisión</i> against SEGOB's final resolutions. As a result of that review, the final resolutions were confirmed, and E-Games initiated a <i>juicio de nulidad</i>. However, E-Games decided to withdraw its claim. (Claimants' Memorial, ¶¶ 411-412). Based on the facts and evidence described above, the Claimants have failed to establish the relevance and materiality of the request.</p>	<p>the Casinos could not be provisionally closed down because E-Games' <i>recurso de inconformidad</i> before the Mexican Supreme Court was pending, which meant that SEGOB's alleged basis for the closures, that is, the lack of a permit for the operation of the establishments, was <i>sub judice</i> in the Amparo 1668/2011 proceeding at the time that SEGOB closed Claimants' Casinos.</p> <p>It is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether Mexico's closure of Claimants' Casinos was unlawful, among other reasons, because Mexico's alleged reason for closing down Claimants' casinos—the lack of a permit for the operation of the establishments—was <i>sub judice</i> in the Amparo 1668/2011 proceeding is a central issue in this arbitration.</p> <p>Mexico cannot argue that a document request is not</p>
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				<p>relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p>	
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27.	Any document related to or prepared in connection with the <i>Segunda Sala Regional Hidalgo-México's</i> injunctive relief order (<i>medida cautelar</i>) issued in favor of E-Games on September 2, 2013, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2013 and December 31, 2014.	<p>The requested documents are relevant and material to Respondent's argument that the <i>Segunda Sala Regional Hidalgo-México's</i> injunctive relief order (<i>medida cautelar</i>) issued in favor of E-Games on September 2, 2013 did not bar SEGOB from shutting down Claimants' Casinos on April 24, 2014 (Respondent's Counter-Memorial, ¶¶ 331-341).</p> <p>These documents also are relevant and material to Claimants' claim that the <i>Segunda Sala Regional Hidalgo-México's</i> injunctive relief order legally prevented SEGOB from closing down Claimants' Casinos pending the final resolution of the <i>Amparo</i> 1668/2011 proceeding (Claimants' Memorial, ¶¶ 380-382; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 68-72).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>Whether the <i>medida cautelar</i> barred SEGOB from closing down the Claimant's Casinos or not, was an issued reviewed and decided by the <i>Segunda Sala Regional Hidalgo-Mexico</i>. The request, therefore, is not relevant. Moreover, the Segunda Sala was aware of the closure of the Casinos at the time it decided the issue. The Claimants did not mention these facts in their Memorial, but the Respondent provided clear description and documents explaining the scope of the <i>medida cautelar</i> (Respondent's Counter-Memorial, ¶¶ 331-341, and R-061 to R-063).</p> <p>The <i>Segunda Sala</i> did not find that SEGOB was prevented to close down the casinos due to the <i>medida cautelar</i>. In fact, the <i>Segunda Sala</i> found that SEGOB</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A and their response to Request No. 26 above.</p> <p><i>First</i>, as explained in detail above, Respondent cannot claim that a request is not relevant or material to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that Respondent has provided a valid explanation refuting Claimants' claim.</p> <p>Respondent's claim that it "has provided the relevant evidence showing SEGOB's position with respect to the <i>medida cautelar</i>, as well as the court's decision revoking that measure" is inapposite. Claimants make their document requests for the very purpose of preparing their case and obtaining</p>	Request denied: relevance and materiality not established.

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		<p>Respondent’s possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>“conclusively proved that oficio DGJS/SCEV/1426/2012 issued on November 16, 2012 was revoked” and “determined that the petition to [revoke the <i>medida cautelar</i>] was justified.” (See, R-061 Decision revoking the <i>medida cautelar</i> issued on 22 September 2014.)</p> <p>As described above, the Respondent has provided the relevant evidence showing SEGOB’s position with respect to the <i>medida cautelar</i>, as well as the court’s decision revoking that measure.</p> <p><u>Second</u>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a)), as explained in the section A of the general objections to this Request for Documents.</p>	<p>documentary evidence in support of their assertions. Therefore, that in Mexico’s view it has explained why—according to Mexico—the <i>medida cautelar</i> did not prevent SEGOB from closing down Claimants’ Casinos is irrelevant.</p> <p>It is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether the <i>Segunda Sala Regional Hidalgo-México’s</i> injunctive relief order legally prevented SEGOB from closing down Claimants’ Casinos pending the final resolution of the <i>Amparo</i> 1668/2011 proceeding is a central issue in this arbitration, as it would prove—as Claimants sustain—that Mexico’s closure of Claimants’ Casinos was unlawful.</p> <p><u>Second</u>, Respondent’s objections are without merit and should be overruled because Claimants’ request is reasonable and specific. It asks for discrete information</p>	
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				<p>relating to the <i>Segunda Sala Regional Hidalgo- México's</i> injunctive relief order (<i>medida cautelar</i>) issued in favor of E-Games on September 2, 2013.</p> <p>Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
VIII. Executive Interference With Amparo Proceedings					
28.	Any document related to or prepared in connection with any requests or communications by officials from the executive branch of the Mexican government to and/or with any judges and/or judicial officials regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents reflecting such requests or communications, prepared between January 1, 2012 and March 31, 2015.	<p>The requested documents are relevant and material to Claimants' claims that the executive branch of the Mexican government improperly interfered with the <i>Amparo</i> 1668/2011 proceeding to orchestrate a pre-ordained and politically-dictated outcome that benefits President Peña Nieto's political allies at the expense of Claimants and E-Games, which when proven will substantiate various NAFTA claims of Claimants in this proceeding (Claimants' Memorial, ¶¶ 673-674; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 65, 100-102; <i>see also</i> Black Cube witness statement (CWS-57), ¶ 49).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to</p>	<p>The Respondent has not identified documents that would be responsive to this request.</p> <p>The Respondent notes, however, that in any event, the request lacks of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA), as explained in the section A of the general objections to this Request for Documents. The request would also impose an unreasonable burden on the Respondent (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules), because it would be required to undertake an ample research of communication by officials of the executive branch (no specific agency/department) and <u>any</u> "judges and/or judicial officials" regarding the <i>Amparo</i> 1668/2011.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with any requests or communications by officials from the executive branch of the Mexican government to and/or with any judges and/or judicial officials regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit. Mexico's assertion essentially entails that there was not one single communication or exchange of requests between the executive branch of the Mexican government and Mexican judges and/or judicial officials regarding</p>	<p>Request granted in part: the Respondent is directed to confirm that, notwithstanding its stated objection and averment that it "has not identified documents that would be responsive to this request", it conducted a reasonable search for communications between January 1, 2012 and March 31, 2015 from officials from the executive branch of the Mexican government to any judges and/or judicial officials involved in the <i>Amparo</i> 1668/2011 proceeding relating to that Games' permit. If the Respondent so confirms, see PO10, ¶ 8.</p> <p>Remainder of request denied: relevance and materiality not established.</p>

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government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.

the *Amparo* 1668/2011 proceeding and/or E-Games' permit. This is simply implausible as Claimants have produced evidence of coordination between the executive branch and the judicial branch in connection with the *Amparo* 1668/2011 proceeding.

In addition, Respondent's objections are without merit and should be overruled for the following reasons:

First, Claimants' request is reasonable and specific. It asks for documents related to or prepared in connection with requests or communications between the executive branch of the Mexican government and Mexican judges and/or judicial officials regarding the *Amparo* 1668/2011 proceeding and/or E-Games' permit. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence,

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reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (*oficios*), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.

Second, Respondent's argument that this request would also impose an unreasonable burden on the Respondent because Claimants do not identify the authorities and officials that may have the requested and/or exchanged documents

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				and information is unavailing, as Claimants are obviously unable to provide Respondent with information regarding where within the Mexican government's structure or with which Mexican judges and/or judicial officials such documents might reside. Respondent cannot hide behind its bureaucracy to shield itself from document production.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
29.	Any document related to or prepared in connection with Mr. Landgrave's July 24, 2013 recommendation to the Games and Raffles Division that it prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, Mr. Landgrave, and/or SEGOB, between January 1, 2013 and December 31, 2013.	<p>The requested documents are relevant and material to Respondent's argument that the reason why SEGOB issued its August 28, 2013 resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order was because Mr. Landgrave had, as a result of the new <i>Amparo</i> Law, ordered that the Games and Raffles Division prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution (Respondent's Counter-Memorial ¶¶ 284-285; <i>see also</i> Mr. Landgrave witness statement (RWS-2), ¶¶ 12, 14-16).</p> <p>These documents also are relevant and material to Claimants' claim that the timing of SEGOB's August 28, 2013 resolution was "astonishing, suspicious and unusual" and constitutes further evidence of corruption and foul play in the</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with with Mr. Landgrave's July 24, 2013 recommendation to the Games and Raffles Division that it prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution. This, particularly because Mexico argued in its Counter-Memorial on the Merits that the reason why SEGOB issued its August 28, 2013 resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order—timing which the Claimants</p>	No decision required. See PO10, ¶ 8.

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	<p><i>Amparo</i> 1668/2011 proceeding (Claimants’ Memorial, ¶ 308). They also are relevant and material to Claimants’ arguments that SEGOB’s legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge’s orders. The Amparo judge responded to SEGOB’s August 28, 2013 Resolution by telling SEGOB that it acted in excess of the judge’s orders, and yet SEGOB did not respond by complying with the Amparo judge’s directive; instead it insisted that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution when the Amparo judge stated expressly that the two resolution were not legally linked.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody or control because they are or</p>		<p>noted in their Memorial on the Merits was highly suspicious and unusual—was because Mr. Landgrave had, as a result of the new <i>Amparo</i> Law, ordered that the Games and Raffles Division prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution.</p> <p>In essence, on the one hand Mexico rebuts Claimants’ claim that the timing of SEGOB’s August 28, 2013 resolution was “astonishing, suspicious and unusual” and constitutes further evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding by pointing to the fact that the Games and Raffles Division was prepared for this outcome at Mr. Landgrave’s request and instruction; but, on the other hand, claims that it was unable to identify any documents pertaining to the instruction provided by Mr. Landgrave to the Games and</p>	
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		<p>should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>Raffles Division to this effect. This is simply implausible. Mexico's assertion essentially entails that all communications between Mr. Landgrave and any and all officials in the Games and Raffles Division with respect to preparing for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution, including discussions and analysis of which specific resolutions were derived from the May 27, 2009 Resolution, was done orally.</p> <p>Mexico's assertion also entails that there was absolutely no work product prepared in response to Mr. Landgrave's instruction to the Games and Raffles Division and that there were no drafts of SEGOB's August 28, 2013 Resolution prior to it being notified of the District Judge's August 26, 2013 Order. This is inconsistent with Mexico's assertion that the reason why</p>	
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				SEGOB was able to issue the August 28, 2013 Resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order is because Mr. Landgrave had ordered that the Games and Raffles Division prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
30.	Any document related to or prepared in connection with the Sixteenth District Judge's August 26, 2013 Order and SEGOB's August 28, 2013 Resolution, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, Ms. González Salas, Mr. Landgrave, and Mr. García Hernández, and/or SEGOB, between January 1, 2013 and December 31, 2013.	<p>The requested documents are relevant and material to Respondent's argument that the reason why SEGOB issued its August 28, 2013 resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order was because Mr. Landgrave had, as a result of the new <i>Amparo</i> Law, ordered that the Games and Raffles Division prepare for any possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution (Respondent's Counter-Memorial ¶¶ 284-285; <i>see also</i> Mr. Landgrave witness statement (RWS-2), ¶¶ 12, 14-16).</p> <p>These documents also are relevant and material to Claimants' claim that the timing</p>	The Respondent has not identified any documents that would be responsive to this request.	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response and their response to Request No. 29 above.	No decision required. See PO10, ¶ 8.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>of SEGOB's August 28, 2013 resolution was "astonishing, suspicious and unusual" and constitutes further evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding (Claimants' Memorial, ¶ 308). They also are relevant and material to Claimants' argument that SEGOB's legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge's orders. The Amparo judge responded to SEGOB's August 28, 2013 Resolution by telling SEGOB that is acted in excess of the judge's orders, and yet SEGOB did not respond by complying with the Amparo judge's directive; instead it insisted that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution when the Amparo</p>			

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>judge stated expressly that the two resolution were not legally linked.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
31.	Any document related to or prepared in connection with SEGOB's response to the Sixteenth District Judge's October 14, 2013 Ruling that SEGOB had exceeded its authority in fulfilling its January 31, 2013 Order, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions	The requested documents are relevant and material to Respondent's argument that the reason why SEGOB issued its August 28, 2013 resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order was because Mr. Landgrave had, as a result of the new <i>Amparo</i> Law, ordered that the Games and Raffles Division prepare for any possible consequences of the	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9.2.a of the IBA Rules).</p> <p>The Sixteenth District Judge's October 14, 2013 Ruling did not question or refer to the time it took SEGOB to issue its 28 August 2013 resolution (C-24), or</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response and their response to Request No. 29 above.</p> <p>As explained above, Respondent cannot claim that a request is not relevant or material to the outcome of the case simply because it considers that Claimants'</p>	Request denied: relevance and materiality not established.

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	<p>(<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, Ms. González Salas, Mr. Landgrave, and Mr. García Hernández, and/or SEGOB, between January 1, 2013 and December 31, 2013.</p>	<p>Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution (Respondent's Counter-Memorial ¶¶ 284-285; <i>see also</i> Mr. Landgrave witness statement (RWS-2), ¶¶ 12, 14-16).</p> <p>The requested documents are also relevant to Claimants' arguments that SEGOB failed to defend the legality of its own actions and that this constitutes further evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding (Claimants' Memorial, ¶¶ 309- 311). They also are relevant and material to Claimants' argument that SEGOB's legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge's orders. The Amparo judge responded to SEGOB's August 28, 2013 Resolution by telling SEGOB that is acted in excess of the judge's orders, and yet SEGOB did not respond by complying with the Amparo judge's</p>	<p>the legal advice that Mr. Landgrave provided with respect to the compliance of the judge order.</p> <p>The Claimants also argue in their request that the documents requested are relevant to their claim that SEGOB failed "to defend the legality of its own actions". However, the Seventh Collegiate Tribunal reviewed both SEGOB's August 28, 2013 Resolution and the Sixteenth District Judge's October 14, 2013 Ruling, and confirmed the legality of SEGOB resolution. Furthermore, whether SEGOB defend or not the legality of its own actions does not constitute evidence of corruption.</p> <p>Finally, the Claimants argue that their request is relevant and material regarding their claim that "SEGOB's legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge's orders". However, the Claimants have not explained the alleged contradiction concerning "earlier arguments made by the same agency".</p>	<p>claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertions. Therefore, the fact that Respondent considers that "whether SEGOB defend or not the legality of its own actions does not constitute evidence of corruption" is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issues of (i) SEGOB's failure to, in issuing its August 28, 2013 Resolution, defend the legality of its own actions; and (ii) SEGOB's decision to insist on the fact that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution when the Amparo</p>	
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	<p>directive; instead it insisted that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution when the Amparo judge stated expressly that the two resolution were not legally linked.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>The Claimants stated that they “do not have access to, possession, custody or control of, the requested documents”. However, E-Games was a third party (<i>Tercero perjudicado</i>) to the Amparo trial 1668/2011, and it, therefore, has access to the file case. SEGOB's communications/submissions to the Sixteenth District Judge are part of that file case. Thus, the Claimants, through E-Games, have access to that information, and/or should be in their possession, custody or control.</p> <p>The Respondent has not identified documents that would be responsive to this request, other than the documents contained in the file case of Amparo 1668/2011.</p>	<p>judge stated expressly that the two resolution were not legally linked, are both central issues in this arbitration, as they would prove—as Claimants sustain—that there is evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding.</p> <p>Moreover, contrary to Mexico's argument, Claimants have explained in detail the contradiction concerning SEGOB's August 28, 2013 Resolution. As Claimants explained in their Memorial on the Merits, in the November 16, 2012 Resolution SEGOB expressly concluded that E-Games' independent permit was unrelated to and separate from the May 27, 2009 Resolution. However, in its August 28, 2013 Resolution, SEGOB—in stark contradiction to its prior statements, including in the November 16, 2012 Resolution—concluded that all of the resolutions that it issued after the May 27, 2009 Resolution were subsidiary to and based upon the May 27,</p>	
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				<p>2009 Resolution and thus had to be rescinded (Claimants' Memorial ¶¶ 358-363).</p> <p>Respondent's objections are also without merit and should be overruled for the following reasons:</p> <p><i>First,</i> Respondent's argument that this request would impose an unreasonable burden on the Respondent because Claimants, through E-Games, have access to the information and/or documents requested is unavailing.</p> <p>Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to SEGOB's response to the Sixteenth District Judge's October 14, 2013 Ruling that SEGOB had exceeded its authority in fulfilling its January 31, 2013 Order, including agendas, notes, transcripts, minutes, memoranda, analyses. Claimants do not have access</p>	
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			<p>to documents in Respondent's files.</p> <p><i>Second</i>, Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response. In addition, it is astonishing that Respondent has been unable to identify—other than the documents contained in the <i>Amparo</i> 1668/2011 case file—one single document related to or prepared in connection with SEGOB's response to the Sixteenth District Judge's October 14, 2013 Ruling that SEGOB had exceeded its authority in fulfilling its January 31, 2013 Order.</p> <p>Mexico's assertion essentially entails that there was no single communication or exchange of documents within SEGOB pertaining to the Judge October 14, 2013 Ruling, which was directly aimed at SEGOB. One would think that in the face of this reaction by the Sixteenth District Judge, SEGOB would have, at a minimum,</p>	
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				discussed the implications of this ruling. It is simply implausible, and highly suspicious, that there is not one single document prepared in connection with SEGOB's response to the Sixteenth District Judge's October 14, 2013 Ruling.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
32.	Any document related to or prepared in connection with any possibility that SEGOB employees could face personal liability for failing to comply with the Sixteenth District Judge's October 14, 2013 Ruling, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, Ms. González Salas, Mr. Landgrave, and Mr. García Hernández, and/or SEGOB, between January 1, 2013 and December 31, 2013.	The requested documents are relevant to Claimants' arguments that SEGOB failed to defend the legality of its own actions and that this constitutes further evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding (Claimants' Memorial, ¶¶ 309-311). They also are relevant and material to Claimants' argument that SEGOB's legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge's orders. The Amparo judge responded to SEGOB's August 28, 2013 Resolution by telling SEGOB that is acted in excess of the judge's orders, and yet SEGOB did not respond by complying with the Amparo judge's directive; instead it insisted that the November 2012 Resolution granting E-Games its own gaming permit was linked legally	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with any possibility that SEGOB employees could face personal liability for failing to comply with the Sixteenth District Judge's October 14, 2013 Ruling.</p> <p>Mexico's assertion entails that there was no single communication or exchange of documents (i) related to the <i>Amparo</i> judge's determination that SEGOB, through its August 28, 2013 Resolution, acted in excess of the <i>Amparo</i> judge's orders, or (ii) with respect to SEGOB's decision to—instead of complying with the <i>Amparo</i> judge's</p>	No decision required. See PO10, ¶ 8.

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				<p>directive—insist that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution despite the <i>Amparo</i> judge having expressly stated that the two resolution were not legally linked. This is simply implausible.</p> <p>One would think that in the face of this reaction by the Sixteenth District Judge, SEGOB would have, at a minimum, discussed the implications of this ruling for SEGOB employees who could face personal liability for failing to comply with the order. It is simply implausible that there is not one single document prepared to this effect.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>to the May 2009 Resolution when the Amparo judge stated expressly that the two resolution were not legally linked.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
33.	Any document related to or prepared in connection with, or reflecting an analysis of the <i>Incidente de Inejecución 82/2013</i> , including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation,	The requested documents are relevant and material to Respondent's argument that the reason why SEGOB issued its August 28, 2013 resolution less than 24 hours after it was notified of the Sixteenth District Judge's August 26, 2013 Order was because Mr. Landgrave had, as a result of the new <i>Amparo</i> Law, ordered that the Games and Raffles Division prepare for any	Other than the documents filed in the Amparo 1668/2011, to which the Claimants have access, the Respondent has not identified documents that would be responsive to this request.	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response and their response to Requests Nos. 29 and 32 above.	No decision required. See PO10, ¶ 8.

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	<p>the Ministry of Economy, Ms. González Salas, Mr. Landgrave, and Mr. García Hernández, and/or SEGOB, between January 1, 2013 and December 31, 2013.</p>	<p>possible consequences of the Sixteenth District Judge ordering that SEGOB rescind any resolutions deriving from the May 27, 2009 Resolution (Respondent's Counter-Memorial ¶¶ 284-285; <i>see also</i> Mr. Landgrave witness statement (RWS-2), ¶¶ 12, 14-16).</p> <p>The requested documents are also relevant to Claimants' arguments that SEGOB failed to defend the legality of its own actions and that this constitutes further evidence of corruption and foul play in the <i>Amparo</i> 1668/2011 proceeding (Claimants' Memorial, ¶¶ 309- 311). They also are relevant and material to Claimants' arguments that SEGOB's legal arguments and positions advanced in its August 28, 2013 Resolution contradict earlier arguments made by the same agency and its argument now in this proceeding that it was only acting in compliance with the Amparo judge's orders. The Amparo judge responded to SEGOB's August 28, 2013 Resolution by telling SEGOB that is acted in excess of the judge's orders, and yet SEGOB did not respond by complying</p>			
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		<p>with the Amparo judge's directive; instead it insisted that the November 2012 Resolution granting E-Games its own gaming permit was linked legally to the May 2009 Resolution when the Amparo judge stated expressly that the two resolution were not legally linked.</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
34.	Any document related to or prepared in connection with any requests or communications by Mr. Humberto Castillejos (or anyone who reported to him) to and/or with SEGOB officials, or vice versa, in connection with the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents prepared by, without limitation, the Ministry of Economy, Mr. Landgrave, and/or SEGOB, between January 1, 2013 and December 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument that Mr. Landgrave never received instructions or was contacted by Mr. Humberto Castillejos regarding the <i>Amparo</i> 1668/2011 proceedings and that Mr. Humberto Castillejos could not have intervened in the proceedings without Mr. Landgrave's knowledge (Respondent's Counter-Memorial, ¶ 296; <i>see also</i> Mr. Landgrave witness statement (RWS-2), ¶ 32).</p> <p>These documents also are relevant and material to Claimants' claim that Mr. Gutiérrez, while in Justice Pérez Dayán's waiting room, overheard Mr. Humberto Castillejos ask another lawyer who was there with him for E-Games' <i>recurso de inconformidad</i> case file and that it was no coincidence that shortly after Mr. Humberto Castillejos's visit to Justice Pérez Dayán to discuss E-</p>	The Respondent has not identified any documents that would be responsive to this request.	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.	No decision required. See PO10, ¶ 8.

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		<p>Games' case that the Supreme Court reversed course and dismissed Claimants' case on procedural grounds rather than ruling on its merits just after the President's personal lawyer visited Justice Pérez Dayán to discuss Claimants' case (Claimants' Memorial, ¶¶ 350-354; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 97-101).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
35.	Any document related to or prepared in connection with Mexico's decision to transfer Judge José Luis Caballero from	The requested documents are relevant and material to Claimants' claims that the executive branch of the Mexican	The Respondent has undertaken a search and found documents that would be responsive to this request. The Respondent has no objection to produce those	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General	No decision required. See PO10, ¶ 8.

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	<p>the Seventh Collegiate Tribunal to a different court and/or Mexico's subsequent decision to replace Judge Caballero with an interim clerk, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>) regarding the transfer of Judge Caballero and/or his replacement with an interim clerk, prepared between September 1, 2014 and March 31, 2015.</p>	<p>government improperly interfered with the <i>Amparo</i> 1668/2011 proceeding to orchestrate a pre-ordained and politically-dictated outcome that benefits President Peña Nieto's political allies at the expense of Claimants and E-Games (Claimants' Memorial, ¶¶ 673-674; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 65, 100-102; <i>see also</i> Black Cube witness statement (CWS-57), ¶ 49).</p> <p>In addition, the requested documents are also relevant to assessing whether México transferred Judge Caballero and replaced him with an interim clerk to obtain an outcome in the <i>Amparo</i> 1668/2011 proceeding that was favorable to its political agenda (Claimants' Memorial, ¶¶ 356, 673-674; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶ 102).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or</p>	<p>documents.</p>	<p>Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with Mexico's decision to transfer Judge José Luis Caballero from the Seventh Collegiate Tribunal to a different court and/or Mexico's subsequent decision to replace Judge Caballero with an interim clerk.</p> <p>Mexico's assertion entails that there was either no single document, communication or exchange related to the Mexican government's decision to transfer a judge and/or to replace a judge with an interim clerk, or that any communications related to these decisions were done orally. Both of these scenarios are implausible.</p> <p>The resolution to transfer a judge and/or to replace a judge with an interim clerk are important decisions which have a number of</p>	
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		should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents		serious implications such as, for example, the docket of the judge who is being replaced or substituted needing to be transferred to the new judge. It is therefore implausible that there would be absolutely no single document reflecting a discussion within the Mexican government regarding its decision to transfer Judge José Luis Caballero from the Seventh Collegiate Tribunal to a different court and/or Mexico's subsequent decision to replace Judge Caballero with an interim clerk.	
36.	Any document related to or prepared in connection with any requests or communications by Mr. Humberto Castillejos, or any other legal advisors of President Peña Nieto, to and/or with Justice Alberto Pérez Dayán, or vice versa, in connection with the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda,	The requested documents are relevant and material to Claimants' claims that the Mexican Supreme Court refused to hear E-Games' <i>recurso de inconformidad</i> on the merits and remanded the case to the same appellate court to review the merits of E-Games' appeal of its own decision, under political pressure from the executive branch, and specifically, President Peña Nieto's advisors, including Mr. Castillejos (Claimants' Memorial, ¶¶ 350-	The Respondent has not identified any documents that would be responsive to this request.	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.	No decision required. See PO10, ¶ 8.

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	analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents reflecting such requests or communications, prepared between April 1, 2014 and January 31, 2015.	355, 673-674; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 100-102). This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
37.	Any document related to or prepared in connection with any meetings that Justice Alberto Pérez Dayán held with officials from the executive branch, including without limitation Mr. Humberto Castillejos and SEGOB officials, in connection with the <i>Amparo</i> 1668/2011 proceeding, including but not limited to copies of correspondence, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and any other	The requested documents are relevant and material to Claimants' claims that the executive branch of the Mexican government improperly interfered with the <i>Amparo</i> 1668/2011 proceedings to orchestrate a pre-ordained and politically-dictated outcome that benefits President Peña Nieto's political allies at the expense of Claimants and E-Games (Claimants' Memorial, ¶¶ 673-674; <i>see also</i> Mr. Gutiérrez	The Respondent has not identified any documents that would be responsive to this request. The Respondent notes, however, that in any event, the request would also impose an unreasonable burden on the Respondent (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules), because it would be required to undertake an ample research of communication by "officials of the executive branch" (no specific agency/department).	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response. In addition, Respondent's objection is without merit and should be overruled. Respondent's argument that this request would impose an unreasonable burden on the Respondent because Claimants do not identify the authorities and officials that	Request granted in part: the Respondent is directed to confirm that, notwithstanding its stated objection and averment that it "has not identified documents that would be responsive to this request", it conducted a reasonable search for documents prepared between April 1, 2014 and January 31, 2015 in connection

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	<p>document prepared prior to, during, and after the meetings, prepared between April 1, 2014 and January 31, 2015.</p>	<p>witness statement (CWS-52), ¶¶ 65, 100-102; <i>see also</i> Black Cube witness statement (CWS-57), ¶ 49).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>may have the requested and/or exchanged documents and information is unavailing, as Claimants are obviously unable to provide Respondent with information regarding where within the Mexican government's structure or with which Mexican officials of the executive branch such documents might reside. Respondent cannot hide behind its bureaucracy to shield itself from document production. That said, Claimants have specifically identified Mr. Humberto Castillejos and Justice Alberto Pérez Dayán. This information should be sufficient for Respondent to conduct a detailed search of its records.</p>	<p>with any meetings that Justice Alberto Pérez Dayan held with (i) Mr Humberto Catillejos; or (ii) SEGOB officials in connection with the Amparo 1668/2011 proceeding. If the Respondent so confirms, see PO10, ¶ 8.</p> <p>Remainder of request denied: relevance and materiality not established.</p>
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
IX. Judiciary Collusion With E-Mex					
38.	Any document related to or prepared in connection with any requests or communications by E-Mex or its representatives, including without limitation Mr. Francisco Salazar, to and/or with judicial officials, including without limitation the Sixteenth District Judge, regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit holder status, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents reflecting such requests or communications, prepared between January 1, 2013 and March 31, 2015.	<p>The requested documents are relevant and material to Claimants' claims that the Mexican judiciary colluded with E-Mex to undermine Claimants' Casino operations and E-Games' permit, including by issuing the August 26, 2013 Order per E-Mex's request (Claimants' Memorial, ¶¶ 304-307, 673-674; <i>see also</i> Mr. Burr witness statement (CWS-50), ¶¶ 118-119; <i>see also</i> Ms. Burr witness statement (CWS-51), ¶¶ 126-127; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 54, 56.).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to,</p>	<p>The Respondent has undertaken a reasonable search, and did not identify documents that would be responsive to this request.</p> <p>The Respondent notes, however, that in any event, the request would also impose an unreasonable burden on the Respondent (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules), because it would be required to undertake an ample research of communication by "judicial officials" regarding not only <i>Amparo</i> 1668/2011, but also "E-Games permit holder status".</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with any requests or communications by E-Mex or its representatives, to and/or with judicial officials regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit holder status. This is simply implausible.</p> <p>Mexico's assertion entails that there was either (i) no single document, communication or exchange between E-Mex or its representatives, to and/or with judicial officials, regarding the <i>Amparo</i></p>	<p>Request granted in part: the Respondent is directed to confirm that, notwithstanding its stated objection and averment that it "has undertaken a reasonable search, and did not identified documents that would be responsive to this request", it conducted a reasonable search for documents prepared between January 1, 2013 and March 31, 2015 in connection with any requests or communications by E-Mex or its representatives to and/or with the Sixteenth District Judge. If the Respondent so confirms, see PO10, ¶ 8.</p> <p>Remainder of request denied: relevance and materiality not established.</p>

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		possession, custody or control of, the requested documents.		<p>1668/2011 proceeding and/or E-Games’ permit holder status, or (ii) that any and all communications related to these issues were done orally. E-Mex launched the <i>Amparo</i> 1668/2011 proceeding and was highly involved in the same, as were Mexican officials within the judicial branch. Therefore, there not being one single document responsive to this request is simply implausible.</p> <p>In addition, Respondent’s objections are without merit and should be overruled because Respondent’s argument that this request would impose an unreasonable burden on the Respondent because “it would be required to undertake an ample research of communication by “judicial officials” regarding not only Amparo 1668/2011, but also “E-Games permit holder status”” is unavailing, as Claimants are obviously unable to provide Respondent with information regarding where</p>	
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				within the Mexican government's structure or with which Mexican officials such documents might reside. Respondent cannot hide behind its bureaucracy to shield itself from document production.	
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
39.	Any document related to or prepared in connection with any requests or communications by E-Mex or its representatives, including without limitation Mr. Francisco Salazar, to and/or with SEGOB officials, regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit holder status, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents reflecting such requests or communications, prepared	<p>The requested documents are relevant to assessing whether SEGOB's revocation of E-Games' permit was in any way related to improper influences exerted by E-Mex or Mr. Rojas Cardona over SEGOB (Claimants' Memorial, ¶ 305; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶ 56; <i>see also</i> Mr. Burr witness statement (CWS-50), ¶ 118; <i>see also</i> Ms. Burr witness statement (CWS-51), ¶ 126).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary</p>	Other than the documents that E-Mex filed in the Amparo 1668/2011, to which the Claimants have access, the Respondent has not identified documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with any requests or communications by E-Mex or its representatives, to and/or with SEGOB officials, regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit holder status. This is simply implausible.</p> <p>Mexico's assertion entails that there was either no single document,</p>	No decision required. See PO10, ¶ 8.

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	between January 1, 2013 and March 31, 2015.	operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.		<p>communication or exchange between E-Mex or its representatives, to and/or with SEGOB officials, regarding the <i>Amparo</i> 1668/2011 proceeding and/or E-Games' permit holder status, or that any and all communications related to these issues were done orally. E-Mex launched the <i>Amparo</i> 1668/2011 proceeding and was highly involved in the same, as was SEGOB. Therefore, there not being one single document responsive to this request is simply implausible.</p> <p>Claimants also note that they are not requesting any information they already have, as they are asking for documents from Respondent's files, including agendas, notes, transcripts, minutes, memoranda, analyses. Therefore, Respondent's claim that Claimants have access to the documents that E-Mex filed in the <i>Amparo</i> 1668/2011 proceeding is inapposite. Claimants do not have access</p>	
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				to documents in Respondent's files.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
X. Closure of Casinos on April 24, 2014					
40.	Any document related to or prepared in connection with SEGOB's issuance of Verification Orders (<i>Órdenes de Verificación</i>), Execution Resolutions (<i>Oficios de Comisión</i>), and designation of Inspectors to conduct the so-called verification visits, related to SEGOB's so-called verification visits to Claimants' Casinos on April 24, 2014, including without limitation, instructions received by Mr. García Hernández from Ms. Salas to proceed with the inspection and closure of Claimants' Casinos, including without limitation, any correspondence concerning the decision and/or failure of the government to show E-Games or its representatives SEGOB's Verification Orders, including without limitation copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's closures of Claimants' Casinos on April 24, 2014 were conducted in accordance with the law and Mr. García Hernández's statement that in order to conduct a verification visit, SEGOB would issue a Verification Order (<i>Órdenes de Verificación</i>), Execution Resolution (<i>Oficios de Comisión</i>), and designate the Inspectors who would conduct the verification visit (Respondent's Counter-Memorial, ¶¶ 309-312; <i>see also</i> Mr. García Hernández witness statement (RWS-3), ¶¶ 7-8, 11; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 165-175).</p> <p>These documents also are relevant and material to Claimants' claims that SEGOB illegally closed down all of Claimants' Casinos in violation of a Court order prohibiting the closure and that the closures were</p>	<p>The request lacks of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p> <p>The Respondent, however, has undertaken a reasonable search and found documents that would be responsive to this request. The Respondent has no objection to produce those documents.</p> <p>The Respondent has not identified any other documents that would be responsive to this request.</p>	Respondent's objection is without merit and should be overruled because Claimants' request is reasonable and specific. It asks for discrete information relating to SEGOB's issuance of Verification Orders (<i>Órdenes de Verificación</i>), Execution Resolutions (<i>Oficios de Comisión</i>), and designation of Inspectors to conduct the so-called verification visits, related to SEGOB's so-called verification visits to Claimants' Casinos on April 24, 2014. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions). In addition,	Request granted. The Tribunal notes that the Respondent has agreed to produce all documents responsive to this request that have been found upon a reasonable search.

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	<p>limitation, the Ministry of Economy, and/or SEGOB, prior to, during, and after SEGOB's visit to Claimants' Casinos on August 24, 2014, between January 1, 2013 and December 31, 2015.</p>	<p>conducted in an arbitrary and non-transparent manner with the government officials even refusing to show copies of the Verification Orders to Claimants' representatives (Claimants' Memorial, ¶¶ 382-402; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 68-72; <i>see also</i> generally witness statements of Mr. Chávez (CWS-54), Mr. Ruiz (CWS-55), and Mr. Galván (CWS-56)).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p> <p>Respondent notes that it has found documents that would be responsive to this request and has no objection to produce these documents. Claimants hereby reserve their right to make observations on the relevance and sufficiency of the documents identified by Respondent once Respondent produces these documents.</p>	
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41.	Any document related to or prepared in connection with SEGOB's determination that Claimants' Casinos were operating without a valid permit and any correspondence from SEGOB to E-Games related to the same, including but not limited to the preparation and filing by SEGOB of a complaint for the crime of illegal gambling (<i>denuncia por el delito de apuestas ilegales</i>), including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2013 and December 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's closures of Claimants' Casinos on April 24, 2014 were conducted in accordance with the law and Ms. Salas' statement that SEGOB would file a complaint for the crime of illegal gambling (<i>denuncia por el delito de apuestas ilegales</i>) when a casino was shut down for operating without a valid permit (Respondent's Counter-Memorial, ¶ 313; <i>see also</i> Ms. Salas witness statement (RWS-1), ¶ 22).</p> <p>These documents also are relevant and material to Claimants' claims that SEGOB illegally closed down all of Claimants' Casinos in violation of a Court order prohibiting the closure and that the closures were conducted in an arbitrary and non-transparent manner with the government officials even refusing to show copies of the Verification Orders to Claimants'</p>	<p>The Respondent objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a)), as explained in the section A of the general objections to this Request for Documents.</p> <p>The Respondent, however, has undertaken a reasonable search and found documents that would be responsive to this request. The Respondent has no objection to produce those documents.</p>	Respondent's objection is without merit and should be overruled because Claimants' request is reasonable and specific. It asks for discrete information relating to SEGOB's determination that Claimants' Casinos were operating without a valid permit and any correspondence from SEGOB to E-Games related to the same. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the	Request granted. The Tribunal notes that the Respondent has agreed to produce all documents responsive to this request that have been found upon a reasonable search.

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	<p>representatives (Claimants' Memorial, ¶¶ 382-402; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 68-72; <i>see also</i> generally witness statements of Mr. Chávez (CWS-54), Mr. Ruiz (CWS-55), and Mr. Galván (CWS-56)).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>		<p>Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p> <p>Respondent notes that it has found documents that would be responsive to this request and has no objection to produce these documents. Claimants hereby reserve their right to make observations on the relevance and sufficiency of the documents identified by Respondent once Respondent produces these documents.</p>	
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42.	Any document related to or prepared in connection with SEGOB's orders that the Federal Police be present at the so-called inspection visit to Claimants' Casinos on April 24, 2014, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, Mr. García Hernández, and/or SEGOB, between January 1, 2013 and December 31, 2014.	<p>The requested documents are relevant and material to Respondent's argument that it is common practice for SEGOB to request that police be present at the time when a casino is being closed down by SEGOB and Mr. García Hernández's statement that in 2014 a total of 56 casinos had been closed down by the Games and Raffles Division and that all closures "were carried out following the same dynamic" (Respondent's Counter-Memorial, ¶¶ 318-319; <i>see also</i> Mr. García Hernández witness statement (RWS-3), ¶ 22).</p> <p>These documents also are relevant and material to Claimants' claim that there was an excessive presence of Federal Police during the closure of Claimants' Casinos on April 24, 2014 (Claimants' Memorial, ¶¶ 380-402; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 68-72; <i>see also</i> generally witness statements of Mr. Chávez (CWS-54), Mr. Ruiz (CWS-55), and Mr. Galván (CWS-56)).</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with SEGOB's orders that the Federal Police be present at the so-called inspection visit to Claimants' Casinos on April 24, 2014. Mexico's assertion entails that there was no single communication or exchange of document related to SEGOB's request that the police be present at the so-called inspection visits to Claimants' Casinos on April 24, 2014, or that any communications with regards to this request were done orally. Both of these scenarios are implausible.</p>	No decision required. See PO10, ¶ 8.

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		<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>			
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43.	<p>Any document related to or prepared in connection with SEGOB's inspection visits on April 24, 2014 to E-Mex's casinos, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2013 and December 31, 2014.</p>	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's closure orders/certificates of inspection presented to Claimants' representatives in Claimants' Casinos on April 24, 2014 were directed at E-Games and not at E-Mex (Respondent's Counter-Memorial, ¶¶ 321-322).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB's closure orders were directed at E-Mex's Casinos, not E-Games' Casinos (Claimants' Memorial, ¶¶ 390-392; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 68-72; <i>see also</i> generally witness statements of Mr. Chávez (CWS-54), Mr. Ruiz (CWS-55), and Mr. Galván (CWS-56)).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody</p>	<p>The Respondent objects this request, because the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants claim "that SEGOB's closure orders were directed at E-Mex's Casinos, not E-Games' Casinos". The Respondent has explained that this is not correct because inspection orders do not refer to a specific company but rather, the establishment subject to inspection (Respondent's Counter-Memorial, ¶¶ 321-322, and exhibits R-57 and R-58).</p> <p>The Claimants' argument that "SEGOB's closure orders were directed at E-Mex's Casinos, not E-Games' Casinos" can be verified by checking SEGOB's verification orders issued to inspect E-Games' casinos. For instance, exhibits R-57 and R-58 contain the verification orders issued to inspect the Naucalpan and Huixquilucan casinos. The Respondent, therefore, does not object the production of the</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A and their response to Request No. 26 above.</p> <p>As explained in detail above, Respondent cannot claim that a request is not relevant or material to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>The fact that "Respondent has explained that [SEGOB's closure orders were directed at E-Mex's Casinos, not E-Games' Casinos] is not correct because inspection orders do not refer to a specific company but rather, the establishment subject to inspection" is inapposite.</p>	<p>Request denied save for the verification orders to inspect the Casinos in Villahermosa, Puebla, Cuernavaca and San Jeronimo, which the Respondent has agreed to produce. Relevance and materiality not established.</p>

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		<p>or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>verification orders to inspect the other Casinos (Villahermosa, Puebla, Cuernavaca and San Jeronimo).</p>	<p>Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertions. Therefore, that in Mexico's view it has explained why—according to Mexico—the closure orders could not have been directed at E-Mex's casinos is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB's closure orders were directed at E-Mex's casinos, and SEGOB used these closure orders as a basis to shut down Claimants' Casinos is a central issue in this arbitration, as it would prove—as Claimants sustain—that Mexico's closure of Claimants' casinos was unlawful.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
44.	Any document related to or prepared in connection with the decision to allow Producciones Móviles' casinos to remain open, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2013 and December 31, 2014.	These documents are relevant and material to Respondent's argument that there were some similarities between E-Games and Producciones Móviles, but that there were circumstances of Producciones Móviles that were different than E-Games' (Respondent's Counter-Memorial, ¶¶ 419-427). The documents are specifically relevant to Respondent's claim that "SEGOB did not act in a discretionary or discriminatory manner with the aim of affecting E-Games and allowing Producciones Móviles to stay in business" (Respondent's Counter-Memorial, ¶ 423). These documents are also	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with the Mexican government's decision to allow Producciones Móviles' casinos to remain open. Mexico's assertion essentially entails that SEGOB never prepared any document related to an inspection or verification visit of Producciones Móviles' casinos and/or evaluation of Producciones Móviles' compliance with Mexican gaming laws and regulations. Both of these scenarios are implausible.</p>	No decision required. See PO10, ¶ 8.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		<p>relevant to Respondent's claim that "whether or not the permits of E-Games and Producciones Móviles had some similarities is irrelevant as there was no insubsistence court ruling against the Producciones Móviles permit" (Respondent's Counter-Memorial, ¶ 421).</p> <p>These documents are also relevant and material to Claimants' argument that the Resolution granting Producciones Móviles' permit is identical to E-Games' and that as such, Respondent acted inconsistently, discriminatorily and arbitrarily in its treatment of E-Games' permit, favoring domestic permit holders in similar circumstances (Claimants' Memorial, ¶¶ 156-161).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession,</p>			

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		custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
XI. Closure Administrative Proceedings					
45.	Any documents or communications related to the Closure Administrative Review Proceedings (Proceedings Nos. AJP/0063/2014, AJP/0064/2014, AJP/0065/2014, AJP/0066/2014, AJP/0067/2014, AJP/0068/2014), including without limitation the Verification Orders for Claimants' Casinos, including any internal or external government correspondence, memoranda, reports, or analyses, and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, regarding these proceedings between January 1, 2014 and present.	<p>The requested documents are relevant and material to Respondent's argument that the Closure Administrative Review Proceedings were conducted in accordance with the law; that E-Games was provided an opportunity to defend its interests in the Closure Administrative Review Proceedings; and that its due process rights were not violated in these proceedings (Respondent's Counter-Memorial, ¶¶ 345-364).</p> <p>The requested documents are also relevant and material to Claimants' argument that they have previously requested and paid for copies of these</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>The Claimants assert that they do not have access to, possession, custody or control of, the requested documents. However, as a party to those proceedings, Claimants had access to the documents contained in files of the Administrative Proceedings since the beginning (Respondent's Counter-Memorial, ¶ 346, and R-066).</p> <p>Furthermore, in 2017, SEGOB made available to the Claimant's</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the Closure Administrative Review Proceedings, including any internal or external government correspondence,</p>	<p>Request granted with respect to the case files of the Closure Administrative Proceedings; Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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documents, but that SEGOB has refused to provide them. The requested documents are also relevant and material to Respondent's argument that SEGOB has provided Claimants with copies of the Closure Administrative Review Proceedings case files (Respondent's Counter-Memorial, ¶¶ 365-367; *see also* Mr. Lazcano's expert report (**RER-2**), ¶¶ 176-184).

These documents also are relevant and material to Claimants' claim that SEGOB's behavior in the Closure Administrative Review Proceedings was highly irregular, that it improperly rejected evidence offered by E-Games in these proceedings, and that Claimants' due process rights in the Closure Administrative Review Proceedings were violated (Claimants' Memorial, ¶¶ 403-412; *see also* Mr. Gutiérrez witness statement (**CWS-52**), ¶¶ 84-95). These documents are also relevant to Claimants' claim that despite Claimants' requests to SEGOB for copies of the Closure Administrative Review

copies of Proceedings Nos. AJP/0063/2014, AJP/0064/2014, AJP/0065/2014, AJP/0066/2014, AJP/0067/2014, AJP/0068/2014. However, the copies were never collected (Respondent's Counter-Memorial, ¶¶ 365-367). It would be unreasonable burdensome for the Respondent to produce a request of documents related to six administrative proceedings, when Claimants had access to the files and had the opportunity to obtain copies and failed to pick them up.

This request would require the Respondent to produce some 4,610 pages, as described in Exhibit C-362. The production of documents necessary to comply with this request also represents an unreasonable burden for the Respondent.

Second, the Claimants have also failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).

The Claimants stated that the requested documents "are relevant and material to Claimants' claim that SEGOB's behavior in the Closure Administrative Review Proceedings was highly irregular, that it improperly rejected

memoranda, reports, or analyses. Therefore, Respondent's claim that "Claimants had access to the documents contained in files of the Administrative Proceedings" is not only false, but inapposite. Claimants do not have access to documents in Respondent's files. Also, as Claimants have explained, despite Claimants' numerous requests to SEGOB for copies of the Closure Administrative Review Proceedings case files, SEGOB has denied Claimants' requests for the case files and the Closure Orders every single time (Claimants' Memorial, ¶ 425; *see also* Mr. Gutiérrez witness statement (**CWS-52**), ¶¶ 84-95). This is improper.

Moreover, Respondent's claim that this request is burdensome because it "would require the Respondent to produce some 4,610 pages" is inapt. Respondent claims in its Counter-Memorial on the

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Proceedings case files, SEGOB has denied Claimants' requests for the case files and the Closure Orders every single time (Claimants' Memorial, ¶ 425; *see also* Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).

This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.

evidence offered by E-Games in these proceedings, and that Claimants' due process rights in the Closure Administrative Review Proceedings were violated". However, the Respondent has stated how SEGOB conducted the proceedings since the beginning, how it weighed the evidence that E-Games offered, and all relevant resolutions issued throughout the proceeding. (Respondent's Counter-Memorial, ¶¶ 345-364). The Respondent also submitted evidence from the proceeding regarding the Naucalpan Casino, which is similar to the other proceedings (See, R-066, and R-068 and R-069).

Also, Claimants submitted exhibits C-361 which contains the final resolutions issued by SEGOB at the end of each of the 6 administrative proceedings. Finally, in exhibits R-071 and R-072, the Respondent provided E-Games' Motion for Review against the Closure Resolutions, dated March 26, 2015, and SEGOB's resolution responding to those motions dated August 17, 2015, respectively.

Third, the Respondent objects to the request on the grounds of lack of specificity (Items 15.1 and

Merits that the copies are ready but Claimants failed to pick them up (Respondent's Counter-Memorial, ¶¶ 365-366). Therefore, producing these documents—which, as Respondent confirms, are already ready—does not impose an unreasonable burden on Respondent.

In addition, Respondent's argument that it "submitted evidence from the proceeding regarding the Naucalpan Casino, which is similar to the other proceeding" is equally inapt. Claimants' claims relate to all six administrative proceedings. Providing evidence on one of six proceedings—even if such evidence were adequate, which it is not—is insufficient. Claimants make their document requests for the very purpose of preparing their case, which relates to all six administrative proceedings, not just one. Respondent cannot cherry-pick with respect to which of the proceedings it wishes to submit evidence and cannot

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			<p>15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>claim that since all proceedings are similar, this should be enough for Claimants. It is not.</p> <p><i>Second</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB's behavior in the Closure Administrative Review Proceedings was highly irregular, that it improperly rejected evidence offered by E-Games in these proceedings, and that Claimants' due process rights in the Closure Administrative Review Proceedings were violated. Therefore, that in Mexico's view it has adequately explained how SEGOB</p>	
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			<p>conducted the proceedings since the beginning, how it weighed the evidence that E-Games offered, and all relevant resolutions issued throughout the proceeding is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB's behavior in the Closure Administrative Review Proceedings was highly irregular is an essential claim in Claimants' claim that Mexico's closure of Claimants' Casinos was unlawful and that Claimants' due process rights in these proceedings were violated. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's</p>	
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objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.

Third, Claimants' request is reasonable and specific. It asks for discrete information relating to the Closure Administrative Review Proceedings. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, memoranda, reports, or analyses). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information

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				sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.	
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XII. Lifting Seals from Casinos					
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
46.	Any documents or communications related to the proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i> , Naucalpan, State of Mexico, involving Jovita Guadalupe Rodríguez Deciga, María de los Ángeles Rodríguez Deciga, Silvia Araceli Rodríguez Huerta and José Juan Rodríguez Huerta and JVE Mexico (case file 457/2015), including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, as a result of the aforementioned proceeding between January 1, 2017 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-375; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> of Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p>	<p>The Respondent objects to this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants argue that the documents requested are "relevant and material to Claimants' claim that <u>SEGOB irregularly lifted the Casinos' closure seals</u> without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos".</p> <p>However, the Respondent has explained that it was the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>, <u>not SEGOB</u>, who ordered the removal of the closure seals at the Naucalpan Casino, as a result of eviction action 457/2015, initiated by the owners of the premises (Respondent's Counter-Memorial, ¶¶ 370-372).</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants</p>	<p>Request granted with respect to the documents in case file 457/2015; Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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	<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>In support of the argument, the Respondent offered as evidence two official resolutions issued by SEGOB (See, R-073 and R-074).</p> <p><i>Second</i>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules.</p> <p>Claimants argue that they “do not have access to, possession, custody or control of, the requested documents”. However, the Claimants, through JVE Mexico, knew about the eviction action 457/2015 because it was filed against JVE Mexico, as tenant of the premises. On 5 December 2016, the Judge ordered to return to the owners the possession of the premises where the Naucalpan Casino operated. (See Respondent's Counter-Memorial, ¶¶ 370-372, and R-073). Because JVE Mexico was the defendant in the eviction action 457/2015, it is reasonable to conclude that the Claimant, through JVE Mexico, had, or should have had, access to the “documents or communications related to the proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla, Naucalpan, State of Mexico</i>”. As</p>	<p>in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos. Therefore, that in Mexico's view it has adequately explained that it was the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>, not SEGOB, who ordered the removal of the closure seals at the Naucalpan Casino is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos' closure seals without notifying Claimants is a central element of Claimants' claim that Mexico violated Claimants' due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it</p>	
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			<p>party to the eviction action, the Claimants had access to the requested documents.</p> <p><i>Third</i>, for the above reasons, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>, including any internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent's claim that "[b]ecause JVE</p>	
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				<p>Mexico was the defendant in the eviction action 457/2015, it is reasonable to conclude that the Claimant, through JVE Mexico, had, or should have had, access to ” is inapposite. Claimants do not have access to documents in Respondent’s files.</p> <p>Also, as Claimants have explained, despite Claimants’ requests to SEGOB for copies of the files related to SEGOB’s closure of Claimants’ Casinos, SEGOB has denied Claimants’ numerous requests for the case files every single time (Claimants’ Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). Therefore, Respondent’s claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants’ request is reasonable and specific. It asks for discrete information relating to the related to the</p>	
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				<p>proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p>	
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47.	Any documents or communications related to the fire at Claimants' Naucalpan Casino, removing the seals from the Casino, and/or the decision the return legal possession of the premises to the landlords including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, SEGOB, and/or <i>Dirección General de Protección Civil y Bomberos</i> between January 1, 2017 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-375; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' argument that shortly after the fire, SEGOB's <i>Protección Civil Naucalpan</i> lifted the seals from the Casino and returned legal possession of the Casino to the landlords without informing Claimants or Claimants' Mexican counsel in violation of their due process rights and improperly allowed other Mexican nationals to access the property and to remove assets from the Casino (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> of Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request. (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>In the objection to the previous request (request 46), the Respondent explained that, as a result of the eviction action 457/2012, a court (i.e., <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>) ordered the return of the property where the Naucalpan Casino was located to its rightful owners. The Respondent also explained that JVE Mexico was a party to the eviction proceedings and, therefore, Claimants knew or should have known about the judge's order to lift the closure seals. As parties to that action, they had access to the entire case file.</p> <p><i>Second</i>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and</p>	<p>Request granted insofar as it overlaps with the Tribunal's order in Request 46; Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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		<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Claimants argue that the Respondent did not inform them about the return of property to their owners, but as the Respondent has explained, JVE Mexico was a party to the eviction proceedings and as such, was given access to the case file. (See Respondent's Counter-Memorial, ¶ 369).</p> <p>The Respondent was not a party to the eviction proceeding and therefore obtaining a copy of the case file from the Court is a difficult and lengthy process.</p> <p><u>Third</u>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos. Therefore, that in Mexico's view it has adequately explained that it was the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>, not SEGOB, who ordered the removal of the closure seals at the Naucalpan Casino is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos' closure seals without notifying Claimants is a central element of Claimants' claim that Mexico violated Claimants' due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute</p>	
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				<p>Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>, including any internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent's claim that "[b]ecause JVE Mexico was the defendant in the eviction action 457/2015,</p>	
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				<p>it is reasonable to conclude that the Claimant, through JVE Mexico, had, or should have had, access to” is inapposite. Claimants do not have access to documents in Respondent’s files.</p> <p>Also, as Claimants have explained, despite Claimants’ numerous requests to SEGOB for copies of the files related to SEGOB’s closure of Claimants’ Casinos, SEGOB has denied Claimants’ requests for the case files every single time (Claimants’ Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). In addition, SEGOB’s arbitrary and baseless denials of Claimants’ numerous requests for these files is highly suspicious. Therefore, Respondent’s claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p>	
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				<p>In addition, Mexico’s argument that it “was not a party to the eviction proceeding and therefore obtaining a copy of the case file from the Court is a difficult and lengthy process” is inapposite. Mexico was directly involved in the closure of Claimants’ Casinos, in the Closure Administrative Review Proceedings, and/or in the proceedings related to the lifting of the closure seals, either through SEGOB, its courts, and/or other government agencies. In addition, Mexico cannot hide behind its bureaucracy to shield itself from document production.</p> <p><i>Third</i>, Claimants’ request is reasonable and specific. It asks for discrete information related to the proceeding before the <i>Juzgado Quinto Civil de Primera Instancia del Distrito Judicial de Tlalnepantla</i>. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request</p>	
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				(internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
48.	Any documents or communications related to the proceeding before the <i>Juzgado Cuadragésimo Primero de lo Civil</i> , Mexico City, involving Del Bosque Corporación, S.A. de C.V. and JVE DF including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, as a result of the aforementioned proceeding between January 31, 2015 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-369, 376-380; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p> <p>This request concerns a narrowly</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants argue that the requested documents are "relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos". The Respondent, however, has explained that it was the <i>Juzgado Cuadragésimo Primero de lo Civil</i>, Mexico City, not SEGOB, who ordered the removal of the closure seals at the San Jerónimo Casino, as a result of legal action 439/2015, initiated by the owners of the property were the San Jerónimo Casino was located (Respondent's Counter-Memorial, ¶¶ 378-380, and R-076 to R-078).</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying</p>	Request granted with respect to the documents in the case file for legal action 439/2015; Remainder of request denied: relevance and materiality not established, and overly broad.

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		<p>defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Claimants also argue that the Respondent did not inform them about the return of property to their owners, but as the Respondent has explained, JVE DF was a party to the judicial proceedings and as such, they should have been aware about the judicial order to return the possession of the premises to the owners. (<i>See</i> Respondent's Counter-Memorial, ¶ 368-369).</p> <p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>Claimants stated that they “do not have access to, possession, custody or control of, the requested documents”. However, the court served notice to JVE DF. Therefore, it can be concluded that the Claimants, through JVE DF, still have access to “any documents or communications related to the proceeding before the <i>Juzgado Cuadragésimo Primero de lo Civil</i>, Mexico City, involving Del Bosque Corporación, S.A. de C.V. and JVE DF”.</p> <p><u>Third</u>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and</p>	<p>Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos. Therefore, that in Mexico's view it has adequately explained that it was the <i>Juzgado Cuadragésimo Primero de lo Civil</i>, Mexico City, not SEGOB, who ordered the removal of the closure seals at the San Jerónimo Casino is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos' closure seals without notifying Claimants is a central element of Claimants' claim that Mexico violated Claimants' due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is</p>	
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			<p>15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the proceeding before the <i>Juzgado Cuadragésimo Primero de lo Civil</i>, Mexico City, involving Del Bosque Corporación, S.A. de C.V. and JVE DF including, without limitation, internal or external government correspondence, reports,</p>	
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				<p>memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent’s claim that “JVE DF was a party to the judicial proceedings and as such, they should have been aware about the judicial order to return the possession of the premises to the owners” is inapposite. Claimants do not have access to documents in Respondent’s files.</p> <p>Also, as Claimants have explained, despite Claimants’ numerous requests to SEGOB for copies of the files related to SEGOB’s closure of Claimants’ Casinos, SEGOB has denied Claimants’ requests for the case files every single time (Claimants’ Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). In addition, SEGOB’s arbitrary and baseless denials of Claimants’ numerous requests for these files is highly suspicious.</p>	
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				<p>Therefore, Respondent's claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants' request is reasonable and specific. It asks for discrete information relating to the related to the proceeding before the <i>Juzgado Cuadragésimo Primero de lo Civil</i>, Mexico City. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information</p>	
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				sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
49.	Any documents or communications related to the proceeding initiated by Inmobiliaria Esmeralda de Morelos S.A. de C.V. against JyV México and/or E-Games to regain possession of the premises in which Claimants' Cuernavaca Casino used to be located, including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, as a result of the aforementioned proceeding between April 24, 2014 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-369, 381-383; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p> <p>This request concerns a narrowly defined category of documents</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants argue that the documents requested are "relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos". However, the Respondent has already explained that it was the <i>Juzgado Tercero en Materia Civil y Mercantil del Primer Distrito Judicial de Morelos</i>, not SEGOB, who ordered the removal of the closure seals at the Cuernavaca Casino, as a result of the legal action 56/2016, initiated by the owners of the premises. SEGOB acted pursuant a judge order. (Respondent's Counter-Memorial, ¶¶ 381 -383, and R-079 and R-080).</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and</p>	<p>Request granted with respect to the documents in the case file for legal action 56/2016; Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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		<p>within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>Claimants state that they “do not have access to, possession, custody or control of, the requested documents”. However, the court served notice to JyV Mexico and E-Games. Therefore, the Claimants, through JyV Mexico and E-Games, had access to “documents or communications related to the proceeding initiated by Inmobiliaria Esmeralda de Morelos S.A. de C.V. against JyV México and/or E-Games to regain possession of the premises in which Claimants’ Cuernavaca Casino”. As party to the dispute initiated by Inmobiliaria Esmeralda, the Claimants, through JyV Mexico and E-Games, can have access to the case file.</p> <p><u>Third</u>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>improperly allowed other Mexican nationals to possess and/or operate Claimants’ Casinos. Therefore, that in Mexico’s view it has adequately explained that it was the <i>Juzgado Tercero en Materia Civil y Mercantil del Primer Distrito Judicial de Morelos</i>, not SEGOB, who ordered the removal of the closure seals at the Cuernavaca Casino is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos’ closure seals without notifying Claimants is a central element of Claimants’ claim that Mexico violated Claimants’ due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants’ claim in the arbitration is without merit and/or that it</p>	
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			<p>has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the proceeding before the <i>Juzgado Tercero en Materia Civil y Mercantil del Primer Distrito Judicial de Morelos</i> involving Inmobiliaria Esmeralda de Morelos S.A. de C.V. against JyV México and/or E-Games, including, without limitation, internal or external government</p>	
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			<p>correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent’s claim that “[a]s party to the dispute initiated by Inmobiliaria Esmeralda, the Claimants, through JyV Mexico and E-Games, can have access to the case file” is inapposite. Claimants do not have access to documents in Respondent’s files.</p> <p>Also, as Claimants have explained, despite Claimants’ numerous requests to SEGOB for copies of the files related to SEGOB’s closure of Claimants’ Casinos, SEGOB has denied Claimants’ requests for the case files every single time (Claimants’ Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). In addition, SEGOB’s arbitrary and baseless denials of Claimants’ numerous requests for these files is highly suspicious.</p>	
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				<p>Therefore, Respondent's claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants' request is reasonable and specific. It asks for discrete information relating to the proceeding before the <i>Juzgado Tercero en Materia Civil y Mercantil del Primer Distrito Judicial de Morelos</i> involving Inmobiliaria Esmeralda de Morelos S.A. de C.V. against JyV México and/or E-Games. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period</p>	
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				surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.	
No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
50.	Any documents or communications related to the proceeding before the <i>Juzgado Tercero de los Civil del Distrito Judicial de Centro</i> , Tabasco, involving Promotora de Tabasco S.A. de C.V. and JVE Sureste and JVE México (case file 370/2015), including, without limitation, internal or external government correspondence, reports, memoranda,	The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-369, 384-387; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191). These documents also are	The Respondent objects this request for the following reasons: <i>First</i> , the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules). The Claimants argue that the documents requested are "relevant and material to Claimants' claim that SEGOB irregularly lifted the	Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons: <i>First</i> , Respondent's reason not to produce documents	Request granted with respect to the documents in the case file for legal action 370/2015; Remainder of request denied: relevance and materiality not established, and overly broad.

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	<p>analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, as a result of the aforementioned proceeding between January 1, 2016 and present.</p>	<p>relevant and material to Claimants’ claim that SEGOB irregularly lifted the Casinos’ closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants’ Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants’ Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent’s possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>Casinos’ closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants’ Casinos”. However, the Respondent stated that the <i>Juzgado Tercero de los Civil del Distrito Judicial de Centro</i>, Tabasco, not SEGOB, ordered to lift the closure seals at the Villahermosa Casino, as a result of the legal action 370/2015, initiated by the owners of the premises against JVE Sureste and JVE México. SEGOB acted pursuant to a judge order. (Respondent’s Counter-Memorial, ¶¶ 384 -387, and R-081 and R-082).</p> <p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p>Claimants stated that they “do not have access to, possession, custody or control of, the requested documents”. However, the Claimants should have had access to those documents. According to the owner of the premises where the Villahermosa Casino was located, JVE Sureste and JVE México “constantly</p>	<p>based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants’ claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos’ closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants’ Casinos. Therefore, that in Mexico’s view it has adequately explained that it was the <i>Juzgado Tercero de los Civil del Distrito Judicial de Centro</i>, Tabasco, not SEGOB, who ordered the removal of the closure seals at the Villahermosa Casino is irrelevant.</p>	
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			<p>evaded service of this action”, and when one of the companies was finally served, it did not appear before the court (Respondent’s Counter-Memorial, ¶ 385). As party to the dispute initiated by Promotora de Tabasco S.A. de C.V., the Claimants, through JVE Sureste and JVE México, can have access to the case file.</p> <p><i>Third</i>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos’ closure seals without notifying Claimants is a central element of Claimants’ claim that Mexico violated Claimants’ due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants’ claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants’ claim.</p> <p>Allowing Mexico’s objection of lack of relevance and materiality on the sole basis that it considers that Claimants’ claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions</p>	
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				<p>and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent’s files related to the proceeding before the <i>Juzgado Tercero de los Civil del Distrito Judicial de Centro</i>, Tabasco, involving Promotora de Tabasco S.A. de C.V. and JVE Sureste and JVE México, including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent’s claim that “[a]s party to the dispute initiated by Promotora de Tabasco S.A. de C.V., the Claimants, through JVE Sureste and JVE México, can have access to the case file” is inapposite. Claimants do not have access to documents in Respondent’s files. Also, as Claimants have explained, despite Claimants’ numerous</p>	
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			<p>requests to SEGOB for copies of the files related to SEGOB's closure of Claimants' Casinos, SEGOB has denied Claimants' requests for the case files every single time (Claimants' Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). In addition, SEGOB's arbitrary and baseless denials of Claimants' numerous requests for these files is highly suspicious. Therefore, Respondent's claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants' request is reasonable and specific. It asks for discrete information relating to the proceeding before the <i>Juzgado Tercero de los Civil del Distrito Judicial de Centro</i>, Tabasco, involving Promotora de Tabasco S.A. de C.V. and JVE Sureste and JVE</p>	
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				<p>México. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
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51.	<p>Any documents or communications related to the proceeding before the <i>Juzgado Cuarto Especializado en Materia Civil de la Ciudad de Puebla</i>, Puebla, involving Operadora Prissa, S.A. de C.V. and JVE Centro (case file 760/2015/4C), including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB, as a result of the aforementioned proceeding between April 24, 2014 and present.</p>	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-369, 388-391; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or</p>	<p>The Respondent objects this request for the following reasons:</p> <p><u>First</u>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants argue that the documents requested are "relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos". However, the Respondent stated that the <i>Juzgado Cuarto Especializado en Materia Civil de la Ciudad de Puebla</i>, Puebla, not SEGOB, ordered to lift the closure seals at the Puebla Casino, as a result of the legal action 60/2015/4C, initiated by the owner of the premises against JVE Centro. SEGOB acted pursuant to a judge order. (Respondent's Counter-Memorial, ¶¶ 388 -391, and R-083).</p> <p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><u>First</u>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to</p>	<p>Request granted with respect to the documents in the case file for legal action 760/2015/4C; Remainder of request denied: relevance and materiality not established, and overly broad.</p>
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		<p>should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules.</p> <p>Claimants stated that they “do not have access to, possession, custody or control of, the requested documents”. However, the Claimants should have had access to those documents. According judgment issued in the legal action 60/2015/4C, the owner of the premises where the Puebla Casino was located, JVE Centro did not appear before the court (Respondent’s Counter-Memorial, ¶ 390). As party to the dispute initiated by Operadora Prissa, S.A. de C.V., the Claimants, through JVE Centro, can have access to the case file.</p> <p><u>Third</u>, for the above reasons, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>possess and/or operate Claimants’ Casinos. Therefore, that in Mexico’s view it has adequately explained that it was the <i>Juzgado Cuarto Especializado en Materia Civil de la Ciudad de Puebla</i>, Puebla, not SEGOB, who ordered the removal of the closure seals at the Puebla Casino is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos’ closure seals without notifying Claimants is a central element of Claimants’ claim that Mexico violated Claimants’ due process rights. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants’ claim in the arbitration is without merit and/or that it has provided a valid explanation to refute</p>	
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				<p>Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the proceeding before the <i>Juzgado Cuarto Especializado en Materia Civil de la Ciudad de Puebla</i>, Puebla, involving Operadora Prissa, S.A. de C.V. and JVE Centro, including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>).</p>	
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				<p>Therefore, Respondent's claim that "[a]s party to the dispute initiated by Operadora Prissa, S.A. de C.V., the Claimants, through JVE Centro, can have access to the case file" is inapposite. Claimants do not have access to documents in Respondent's files.</p> <p>Also, as Claimants have explained, despite Claimants' numerous requests to SEGOB for copies of the files related to SEGOB's closure of Claimants' Casinos, SEGOB has denied Claimants' requests for the case files every single time (Claimants' Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95). In addition, SEGOB's arbitrary and baseless denials of Claimants' numerous requests for these files is highly suspicious.</p> <p>Therefore, Respondent's claim that this request is burdensome because Respondent believes that</p>	
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				<p>Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants' request is reasonable and specific. It asks for discrete information relating to the proceeding before the <i>Juzgado Cuarto Especializado en Materia Civil de la Ciudad de Puebla</i>, Puebla, involving Operadora Prissa, S.A. de C.V. and JVE Centro. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the</p>	
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				requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
52.	Any documents or communications related to the decision to permit other individuals/ companies to possess and/or operate the Claimants' Casinos, including, without limitation, internal or external government correspondence, reports, memoranda, analyses, notes, official resolutions (<i>oficios</i>), and any other document prepared by, without limitation, the Ministry of Economy, and/or SEGOB between April 24, 2014 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's lifting of the closure seals on Claimants' Casinos was done in accordance with the law (Respondent's Counter-Memorial, ¶¶ 368-369, 388-391; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 185-191).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB irregularly lifted the Casinos' closure seals without notifying Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos in clear violation of various NAFTA substantive protections afforded to foreign investors in Mexico (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 84-95).</p> <p>This request concerns a narrowly</p>	<p>The Respondent objects this request for the following reasons:</p> <p>First, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules). The Respondent has provided documents that show that SEGOB did not order to lift the closure seals. The owners of the premises obtained a judicial order to recover the premises where the casinos operated. Those orders were the result of legal actions filed by the owners, and in which the Claimants, through the Juegos Companies, decided not to appear before the courts. Simply put, there was no violation of the Claimants' due process (Respondent's Counter-Memorial, Section II.O) Furthermore, if the owners of the premises, after legally recovering their property, engaged in other business, it does not necessarily follow that the Respondent "<u>improperly</u> allowed other Mexican national to possess and/or operate Claimants' Casinos".</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that SEGOB irregularly lifted the Casinos' closure seals without notifying</p>	<p>Request granted only insofar as it overlaps with the Tribunal's orders with respect to Requests 46-51; Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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		<p>defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p><u>Second</u>, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules.</p> <p>Claimants stated that they “do not have access to, possession, custody or control of, the requested documents”. However, relevant information about the casinos authorized by SEGOB is public through the DGJS's website, from which the Claimants have already retrieved some information (<i>See</i>, Claimants' Memorial, Footnotes 1087, 1088 and 1201).</p> <p><u>Third</u>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>Claimants in violation of their due process rights and improperly allowed other Mexican nationals to possess and/or operate Claimants' Casinos. Therefore, that in Mexico's view it “has provided documents that show that SEGOB did not order to lift the closure seals” and that “if the owners of the premises, after legally recovering their property, engaged in other business, it does not necessarily follow that the Respondent “improperly allowed other Mexican national to possess and/or operate Claimants' Casinos”” is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB improperly lifted the Casinos' closure seals without notifying Claimants is a central element of Claimants' claim that Mexico violated Claimants' due process rights. Mexico cannot argue that a</p>	
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				<p>document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.</p> <p><i>Second</i>, Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to the decision to permit other individuals/companies to possess and/or operate the Claimants' Casinos, including, without</p>	
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				<p>limitation, internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>). Therefore, Respondent's claim that "relevant information about the casinos authorized by SEGOB is public through the DGJS's website, from which the Claimants have already retrieved some information" is inapposite. Claimants are not requesting publicly available documents. Claimants are requesting documents in Respondent's files, to which Claimants do not have access.</p> <p>Also, as Claimants have explained, despite Claimants' requests to SEGOB for copies of the files related to SEGOB's closure of Claimants' Casinos, SEGOB has denied Claimants' requests for the case files every single time (Claimants' Memorial, ¶ 425; <i>see also</i> Mr. Gutiérrez witness</p>	
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			<p>statement (CWS-52), ¶¶ 84-95). In addition, SEGOB's arbitrary and baseless denials of Claimants' numerous requests for these files is highly suspicious. Therefore, Respondent's claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p> <p><i>Third</i>, Claimants' request is reasonable and specific. It asks for discrete information relating to related to the decision to permit other individuals/ companies to possess and/or operate the Claimants' Casinos. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have</p>	
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				<p>provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XIII. Meetings With SEGOB/Mitigating Damages					
53.	Any documents related to, prepared in connection with, or reflecting an analysis of Ms. Salas receiving Mr. Burr for a meeting in her office with Mr. Garay and Mr. Hugo Vera as well as the substance, date, and other details of the meeting, including without limitation, copies of internal or external government correspondence, calendar records, reports, agendas, notes, transcripts, minutes, recordings, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2013 and March 31, 2015.	<p>These documents are relevant and material to Claimants' claims that Ms. Salas never met with Mr. Burr (Claimants' Memorial, ¶ 208). These documents are also relevant and material to Respondent's claim that Ms. Salas did meet with Mr. Burr, Mr. Garay, and Mr. Vera. (Ms. Salas witness statement (RWS-1), ¶ 14).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with Ms. Salas receiving Mr. Burr for a meeting in her office with Mr. Garay and Mr. Hugo Vera, as well as the substance, date, and other details of the meeting.</p> <p>Mexico's assertion entails that there was no single communication or exchange of documents related to SEGOB's meeting with Mr. Burr, or that any communications related to this meeting were done orally. Both of these scenarios are implausible.</p>	No decision required. See PO10, ¶ 8.

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				<p>One would think that, at a minimum, a government agency would keep a record of non-government employees entering a government building and meeting with government officials. It is simply implausible that there is not one single document prepared in connection with this meeting.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
54.	Any document related to or prepared in connection with any requests or communications by Grupo Caliente or its representatives to and/or with the Mexican government officials regarding E-Games, its Casino operations and/or its permitholder status, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents reflecting such requests or communications, prepared between December 1, 2012 and December 31, 2016.	<p>The requested documents are relevant and material to Claimants' claims that Mexico illegally revoked E-Games' permit for political reasons, in order to discredit the previous PAN administrations and to compensate the PRI-allied Grupo Caliente, which was in direct competition with E-Games, for not granting Carlos Hank Rhon and his brother the political positions they sought and were not granted (Claimants' Memorial, ¶¶ 235-238, 506, 524, 732; <i>see also</i> Black Cubewitness statement (CWS-57), ¶¶ 44-48).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to,</p>	The Respondent has not identified any documents that would be responsive to this request.	Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.	No decision required. See PO10, ¶ 8.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
		possession, custody or control of, the requested documents.			
55.	Any document related to or prepared in connection with SEGOB's assessment or review of any proposals or plans made by Mr. Juan Cortina Gallardo, Messrs. José Benjamin Chow del Campo and Luc Pelchat, CODERE, Prensa, Televisa, and any other individuals or entities to purchase Claimants' Casinos and/or to partner with Claimants to reopen their Casinos, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), emails or messages sent via Whatsapp, text message, iMessage, WeChat, Signal Messenger, Telegram, or any other cloud-based messaging service, and other documents regarding such proposals or plans, prepared between April 1, 2014 and December 31, 2016.	<p>The requested documents are relevant and material to Claimants' claims that SEGOB systematically blocked Claimants' repeated attempts to sell the Casino assets and mitigate damages arising from Mexico's unlawful closure of the Casinos for arbitrary and discriminatory reasons (Claimants' Memorial, ¶¶ 428-436; 590-592; <i>see also</i> Mr. Burr witness statement (CWS-50), ¶¶ 110-115; <i>see also</i> Ms. Burr witness statement (CWS-51), ¶¶ 117-122; <i>see also</i> Mr. Pelchat witness statement (CWS-4), ¶¶ 7-8; <i>see also</i> Black Cube witness statement (CWS-57), ¶ 50).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to</p>	The Respondent has not identified any documents that would be responsive to this request.	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with SEGOB's assessment or review of proposals or plans to purchase Claimants' Casinos and/or partner with Claimants to reopen the Casinos. Claimants introduced various testimony that both Mr. Pelchat and Mr. Chow met with Ms. Salas and Mr. Cangas to discuss their proposal to reopen the Claimants' Casinos. Mr. Pelchat witness statement (CWS-4), ¶¶ 7-8; Mr. Chow witness statement (CWS-11), ¶¶ 9-10, 25. It is simply implausible that there is not</p>	No decision required. See PO10, ¶ 8.

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				one single document prepared in connection with these meetings.	
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		government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.			
XIV. Mexico's Retaliation and Harassment of Claimants					
56.	Any documents related to, prepared in connection with, or reflecting an analysis of Mexico's 2011 general review of casinos in the country, and any documents related to E-Games and/or Claimants' Casinos arising from that review, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2013.	<p>The requested documents are relevant and material to Respondent's argument, that it was not targeting Claimants, but instead that it had initiated a general review of all casinos in the country" (Respondent's Counter-Memorial, ¶ 191).</p> <p>These documents are also relevant and material to Claimants' claim that the "in the wake of the deadly firebombing at Casino Royale in Monterrey in August 2011, various local, state and federal authorities targeted each of Claimants' Casinos for pretextual site inspections" (Claimants' Memorial, ¶ 189).</p> <p>This request concerns a narrowly defined category of documents</p>	The Respondent has not identified documents that would be responsive to this request, other than the documents already submitted as exhibits in the Memorial and Counter-Memorial.	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>In addition, it is simply implausible for Mexico to argue that they have not identified responsive documents, other than what have already been submitted as exhibits in the Claimants' Memorial and Respondent's Counter-Memorial.</p> <p>As an initial matter, Claimants are not requesting any information they already have. Moreover, the disputed</p>	No decision required. See PO10, ¶ 8.

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within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business and Mexico confirms in its Counter-Memorial that this "general review" was initiated. Claimants do not have access to, possession, custody or control of, the requested documents.

issue here is whether Mexico's inspections of Claimants' casinos and seizures of their gaming machines were pretextual and discriminatory. Mexico claims it was not because it had initiated "the general review of all casinos in the country" in the aftermath of the Monterrey firebombing attack in August 2011. (*See* Counter-Memorial ¶¶ 191, 193). In that regard, and in response to Mexico's assertion in its Counter-Memorial, Claimants requested for "documents related to, prepared in connection with, or reflecting an analysis of Mexico's 2011 general review of casinos in the country, and any documents related to E-Games and/or Claimants' Casinos arising from that review, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (oficios) and

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			<p><u>other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2011 and January 31, 2013.”</u></p> <p>Mexico’s assertion that what are on the record already are all the documents Mexico could identify as responsive to Claimants’ request entails that there were no documents prepared by Mexico in connection with what Respondent itself describes as the “2011 general review”, except for Exhibit R-053 which merely notes that SEGOB issued inspection orders to 59 establishments, inspected 24 establishments, and closed 6 establishments as a result of inspections in September 2011 (<i>See also</i> Counter-Memorial, ¶ 195). Other exhibits Mexico submitted in this regard are just news articles (Exhibits R-51 and R-52). Mexico’s assertion is implausible.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
57.	Any documents related to, prepared in connection with, or reflecting the basis for and/or an analysis of, the seizure of Claimants' gaming machines and/or the temporary closure of any of Claimants' Casinos, including, but not limited to the <i>Secretaria de Proteccion Civil de la Ciudad de México's</i> closure of E-Games' Mexico City Casino on June 19, 2013, including, without limitation, any correspondence between the officials from the Mexican government, including but not limited to, the <i>Secretaria de Proteccion Civil de la Ciudad de México</i> , the Mexican Tax Administration Service (SAT), and any of E-Games' competitors or their agents, prepared between August 1, 2011 and July 31, 2013.	<p>The requested documents are relevant and material to Claimants' claims that Mexico, acting through <i>Secretaria de Proteccion Civil de la Ciudad de México</i>, subjected Claimants' Mexico City Casino to a discriminatory and pretextual closure for 34 days (Claimants' Memorial, ¶ 194; <i>see also</i> Mr. Burr witness statement (CWS-50), ¶ 98; <i>see also</i> Ms. Burr witness statement (CWS-51), ¶ 108).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Respondent objects this request for the following reasons:</p> <p>The request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p> <p><i>First</i>, the "reasons" and "basis for and/or an analysis of the seizure of the Claimants' gaming machines", are described in SAT's order to verify (Order no. CCE8300179/11), and the outcome of the visit issued by SAT. These documents were provided to the Claimants, through E-Games.</p> <p>In fact, the Claimants challenged those resolutions before the courts. (Claimants' Memorial, ¶ 190). Therefore, the Claimants should have had access to the documents issued by SAT as party to that proceeding. The documents requested must be in possession, custody or control of the Claimants. In any case, they still must have access to the case file.</p> <p><i>Second</i>, with respect to the closure of E-Games' Mexico City</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>In addition, Respondent's reason not to produce documents based on unreasonable burden is inapposite.</p> <p>Claimants are not requesting any information they already have, as they are asking for documents from Respondent's files related to its seizures of Claimants' gaming machines and temporary closures of Claimants' casinos, including, without limitation, "any correspondence between the officials . . . and any of E-Games' competitors or their agents, prepared between August 1, 2011 and July 31, 2013." Claimants do not have access to</p>	Request granted save for the case files of the proceedings in which Claimants overturned the seizures of their gaming machines and the temporary closure of E-Game's Mexico City casino.

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			<p>Casino on June 19, 2013, the Claimants stated that they “obtained a court order allowing the Casino to reopen” (Claimants’ Memorial, ¶ 195). The case file of that legal action must contain the “basis for and/or an analysis” provided by the local authorities on the closure of the casino. The documents requested, therefore, must be in possession, custody or control of the Claimants, since the Claimants must have been a party to that legal proceeding, by which it obtained the court order. In any case, they still must have access to the case file.</p>	<p>documents in Respondent’s files; nor would the court filings that Mexico refer to contain the requested documents.</p> <p>Claimants also note that Respondent seeks to mischaracterize the scope of the information requested by Claimants to justify its claim that the request is unduly burdensome. Mexico’s argument entails that Claimants are not entitled to the requested documents because they would know the reasons for SAT’s seizures of Claimants’ gaming machines and for <i>Secretaria de Proteccion Civil de la Ciudad de México</i>’s temporary closure of E-Games’ Mexico City Casino on July 19, 2013, because such reasons would have been included in SAT’s verification order and/or the court filings stemming from Claimants’ efforts to overturn the seizures of their gaming machine and the temporary closure of E-Game’s</p>	
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				<p>Mexico City casino. Claimants' request, as clearly stated herein, do not solely seek to obtain documents reflecting the basis "provided by the local authorities" or SAT for their actions. This request seeks to obtain "[a]ny documents related to, prepared in connection with, or reflecting the basis for and/or an analysis of, the seizure of Claimants' gaming machines and/or the temporary closure of any of Claimants' Casinos". As noted earlier, Claimants do have access to the requested documents, nor would the judicial records Mexico refer to encompass the documents that Claimants seek to obtain via this request.</p> <p>Therefore, Respondent's claim that this request is burdensome because Respondent believes that Claimants have access to the requested documents is inapt.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XV. Denial of Claimants' Requests for a New Permit					
58.	Any document related to or prepared in connection with SEGOB's issuance of casino permits to Pur Umazal Tov, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>) and other documents discussing the relationship between Pur Umazal Tov and Megasport, the closure of Megasport's casinos, and/or SEGOB's revocation of Megasport's casino permits, prepared between January 1, 2014 and December 31, 2014.	<p>The requested documents are relevant and material to Claimants' claims that Mexico denied E-Games' request for new permits in an arbitrary and discriminatory manner by imposing the requirement of open and operating casinos, a requirement that has no basis in the Gaming Regulation and that has never been applied to Mexican gaming companies, including Pur Umazal Tov (Claimants' Memorial, ¶¶ 442-444, 760; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 75, 77; C-315-C-320).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business.</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Respondent has explained that SEGOB did not impose the requirement of open and operating Casinos, and that the denial of E-Games' permit requests was not based on the fact that the Casinos were not operating. SEGOB found several deficiencies in E-Games requests, including the fact that SEGOB had closed down the Casinos due to the lack of a valid permit to operate, in violation of the LFJS (<i>See</i>, Counter Memorial, Section II.P). This can be confirmed by looking at the content of SEGOB's resolutions submitted by the Claimants as Exhibits C-27 to C-33.</p> <p><i>Second</i>, the Respondent also objects to the request on the grounds of lack of specificity (Items 15.1 and 15.2.1 of PO1 and</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that Mexico denied E-Games' requests for new</p>	Request denied: relevance and materiality not established.

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			<p>Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p> <p><i>Third</i>, given the broad scope of the request, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules).</p>	<p>permits in an arbitrary and discriminatory manner based on the requirement of open and operating casinos that has no basis in the Gaming Regulation and that Mexico had discriminatorily applied to Claimants alone. Therefore, that in Mexico’s view it “has explained that SEGOB did not impose the requirement of open and operating Casinos, and that the denial of E-Games’ permit requests was not based on the fact that the Casinos were not operating” is irrelevant.</p> <p>In addition, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether SEGOB discriminatorily and arbitrarily denied E-Games’ requests for new permits—particularly in comparison with Mexican gaming companies, including Pur Umazal Tov)—is a central element of Claimants’ claim that Mexico violated</p>	
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its NAFTA obligations, including those obligations under NAFTA Articles 1102 and 1105, among others. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.

Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain documentary evidence in support of their assertions and claims in the case.

Second, Claimants' request is reasonable and specific. It asks for discrete information relating to SEGOB's issuance of

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				<p>casino permits to Pur Umazal Tov.</p> <p>Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (“internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>) and other documents discussing the relationship between Pur Umazal Tov and Megasport, the closure of Megasport’s casinos, and/or SEGOB’s revocation of Megasport’s casino permits”). In addition, Claimants have provided concrete information regarding the facts surrounding this request in their Memorial on the Merits and the exact paragraphs of which they reference. Moreover, Claimants delineates a concrete and narrow time frame that this request concerns, i.e., between “January 1, 2014 and December 31, 2014.”</p>	
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				In light of all, Mexico's boiler plate objections that the request is burdensome and lacks specificity are inapposite.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
59.	Any documents related to or prepared in connection with E-Games' requests for new and independent permits for the Casinos and SEGOB's denials of E-Games' aforementioned requests, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, prepared between January 1, 2014 and present.	<p>The requested documents are relevant and material to Respondent's argument that SEGOB's denial of E-Games's requests for new and independent permits for the Casinos was done in accordance with the law and that SEGOB's denials were based primarily on deficiencies in E-Games' requests for new permits (Respondent's Counter-Memorial, ¶¶ 394-402; <i>see also</i> Mr. Lazcano expert report (RER-2), ¶¶ 157-164).</p> <p>These documents also are relevant and material to Claimants' claim that E-Games fully complied with all requirements set forth in the Gaming Regulation when it requested new and independent permits for the Casinos and that SEGOB based its denials on unsubstantiated and purely technical grounds (Claimants' Memorial, ¶¶ 413-423; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 73-81; <i>see also</i> Mr. Ezequiel González expert report (CER-3), ¶¶ 183-198).</p>	<p>The Respondent objects this request for the following reasons:</p> <p>The Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The Claimants submitted with their Memorial Exhibits C-27 to C-33, which contain SEGOB's resolutions denying E-Games requests. These resolutions explain the grounds for SEGOB's denials, the legal basis and the deficiencies found. The resolutions also respond to the Claimants' claim that they complied with all requirements and that SEGOB based its denials on unsubstantiated and purely technical grounds.</p> <p>Furthermore, E-Games had the opportunity to challenge SEGOB's denial and submit its claim that the resolutions were based on unsubstantiated and purely technical grounds. However, E-Games did not appeal SEGOB's decision, and expect this arbitration to decide whether it is consistent with the RLFJ.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>In addition, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite.</p> <p>First, Respondent cannot claim that a request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' claims. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their assertion that Mexico denied Claimants requests for new permits on discriminatory and arbitrary basis, despite that their requests for new</p>	Request granted in part: the Respondent is directed to produce documents prepared by SEGOB officials relating to the SEGOB resolutions contained in C-27 to C-33 and prepared after January 1, 2014 and prior to said resolutions. Remainder denied: relevance and materiality not established.

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		<p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>(Respondent's Counter-Memorial, ¶ 402)</p>	<p>permits had fully complied with all requirements set forth in the Gaming Resolution (<i>see</i> Claimants' Memorial, ¶¶ 439-440). Therefore, that in Mexico's view, Exhibits C-27 to C-33 themselves would support its position and refute Claimants' claim is irrelevant.</p> <p>Another justification that Mexico relies on to justify its objection is that E-Games did not pursue an appeal challenging SEGOB's denial of its request for new permits. Mexico offers no reason why it thinks this information shows that Claimants' request lacks relevancy and materiality. Mexico should not be allowed to avoid its document production obligations based on objections that are completely devoid of any substantiation and explanation.</p> <p>In any event, it is irrefutable</p>	
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			<p>that this request is relevant to the case and material to its outcome because the issue of whether SEGOB discriminatorily and arbitrarily denied E-Games' requests for new permits is a central element of Claimants' claim that Mexico violated its NAFTA obligations, including those obligations under NAFTA Articles 1102 and 1105, among others. Mexico cannot argue that a document request is not relevant to the outcome of the case simply because it considers that Claimants' claim in the arbitration is without merit and/or that it has provided a valid explanation to refute Claimants' claim.</p> <p>Allowing Mexico's objection of lack of relevance and materiality on the sole basis that it considers that Claimants' claim is not valid to prosper would override the entire purpose of the document production phase, which is for the parties to obtain</p>	
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				documentary evidence in support of their assertions and claims in the case.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
60.	Any documents related to or prepared in connection with SEGOB's <i>Procedimiento Sancionador</i> AJP/0036/14-V against CIA. Operadora Megasport, S.A. de C.V. and SEGOB's revocation of Megasport's permit, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2014 and January 31, 2015.	<p>The requested documents are relevant and material to Respondent's argument that E-Games and Megasport were not in like circumstances, particularly in regards to SEGOB having denied E-Games' request for new and independent permits for its Casinos (Respondent's Counter-Memorial, ¶¶ 403-408).</p> <p>These documents also are relevant and material to Claimants' claim that SEGOB has granted casino permit requests made mostly by Mexican companies even though such companies did not have open casinos operating at the time the requests were made, including Pur Umazal Tov, which operated its casinos on many of the exact same premises where Megasport had operated its casinos until SEGOB revoked its permit (Claimants' Memorial, ¶¶ 441-448; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 73-81; <i>see also</i> Mr. Ezequiel</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the request lacks of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p> <p><i>Second</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>The resolution issued by SEGOB as a result of the <i>Procedimiento Administrativo</i> against Megasport (which the Respondent does not object to produce), provides information about the circumstances under which Megasport was subject to it, the evidence submitted, and the basis for SEGOB's decision to revoke the permit, among others. It would allow to compare the situation between Megasport and E-Games. However, the Claimants made a broad request without establishing</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite and self-contradictory. In fact, Mexico itself acknowledges that the requested documents would be relevant to comparing "the situation between Megasport and E-Games". Despite this, Mexico still pretends that it does not understand the relevancy and materiality of Claimants' request to the case and its outcome. As explained herein as well as Claimants' Memorial (<i>see</i> ¶</p>	<p>The Tribunal notes that the Respondent does not object to production of the resolution issued by SEGOB as a result of the <i>Procedimiento Administrativo</i> against Megasport. The remainder of the request is denied: relevance and materiality not established.</p>

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	<p>González expert report (CER-3), ¶¶ 193-194).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>the relevance it.</p> <p><i>Third</i>, for the above reasons, the request of documents would be unreasonably burdensome (Item 15.1 of PO1 and Article 3(3)(c)(i) and Article 9(2)(c) of the IBA Rules). The request would include the entire file case related to SEGOB's <i>Procedimiento Sancionador</i> AJP/0036/14-V against CIA. Operadora Megasport, S.A. de C.V. On average, an administrative proceeding file is comprised of some 770 pages.</p>	<p>444; Exhibits C-322-C-324), notwithstanding that SEGOB revoked Megasport's permit and closed down its establishments, SEGOB still granted seven new permits to Pur Umazal Tov, an entity owned and managed by the very same individuals who were operating Megasport for many of the very same establishments that belonged to Megasport. The requested documents are thus clearly relevant to the case and material to its outcome because the issue of whether E-Games and Megasport were in like circumstances as well as whether SEGOB denied E-Games' requests for new permits in an arbitrary and discriminatory manner is one of the key disputed issues that are relevant to evaluating whether Mexico violated its obligations under NAFTA Articles 1102, 1105, among others. Therefore, Mexico's objections on the basis of lack of relevancy and</p>	
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				<p>materiality are inapposite.</p> <p><i>Second</i>, Claimants’ request is not unreasonably burdensome for Mexico to comply with. Mexico merely mentions that this request “would include the entire file case related to SEGOB’s <i>Procedimiento Sancionador</i> AJP/0036/14-V” and that “. [o]n average, an administrative proceeding file is comprised of some 770 pages.” However, Mexico does not indicate what would be the <i>actual</i> burden of obtaining and producing the requested documents (even including the case file of <i>Procedimiento Sancionador</i> AJP/0036/14-V), rendering its undetailed and unspecified objections meaningless.</p> <p>In addition, Claimants’ request is specific and reasonable. It asks for discrete information relating to SEGOB’s <i>Procedimiento Administrativo</i> against</p>	
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				<p>Megasport and SEGOB's revocation of Megasport's permit during the specified time period between January 1, 2014 and January 31, 2015. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)).</p> <p>Given the specificity and reasonableness of the request, Mexico's objection for the reason of "unreasonable burden" sounds hollow, particularly given that Mexico has failed to articulate the actual burden of complying with this request. It's general comment that an administrative file "on average" is comprised of more than 700 pages does not and should not allow Mexico to refuse production in response to Claimants' request that compiles with all</p>	
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				relevant IBA Rules and/or the Tribunal's Procedural Order No. 1.	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XVI. Tax Investigations					
61.	Any documents related to or prepared in connection with the SAT's resolutions (<i>oficios</i>) numbers 500-05-07-2014-3627 and 500-05-2012-50794, as well as inspection order (<i>orden de visita</i>) IDD9500016/12, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, SEGOB, and/or SAT between January 1, 2012 and present.	<p>The requested documents are relevant and material to Respondent's argument that the SAT acted in accordance with Mexican law when it issued a resolution finding that E-Games had not complied with its reporting obligations and ordering it to pay \$170,475,625.02 in back taxes (Respondent's Counter-Memorial, ¶¶ 428-430).</p> <p>These documents also are relevant and material to Claimants' claim that Mexico used the SAT to further harass Claimants and that the tax case against Claimants was politically charged (Claimants' Memorial, ¶¶ 460-463; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 104-107).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or</p>	<p>The Respondent has not identified documents that would be responsive to this request. The Respondent notes, however, that the SAT already provided an explanation in Exhibit R-88 (page 1) "[T]here is no documentation that clarifies the alleged political motivation to which reference is made since the selection of taxpayers for the scheduling of tax reviews is generated based on the receipt of inputs (inputs) by from different Administrative Units of the SAT, various dependencies of the Public Administration and other sources of recruitment; the purpose of this selection is the correct fulfillment of taxpayers' tax obligations, for which, examination procedures are carried out on technical grounds, which aim to select taxpayers for tax review purposes, in which behaviors that make presume that they are not properly meeting their tax obligations".</p> <p>Exhibit R-88 would be responsive to this request.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein Claimants' General Response.</p> <p>In addition, it is astonishing that Respondent has been unable to identify one single document related to or prepared in connection with the SAT's resolutions (<i>oficios</i>) numbers 500-05-07-2014-3627 and 500-05-2012-50794 and SAT's inspection order (<i>orden de visita</i>) IDD9500016/12. Mexico's assertion essentially entails that there was not one single government correspondence, memoranda, report, note, or other document prepared in connection with or regarding said resolutions and inspection order. This is simply implausible.</p> <p>Also, it appears that</p>	<p>No decision required. See PO10, ¶ 8.</p>

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should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.

Respondent believes that Exhibit R-88 would somehow relieve its production obligation. This is not true. Based on Exhibit R-88, it appears that Mexico's counsel, in preparation of its Counter-Memorial, had asked SAT to conduct a search of certain documents related to SAT's tax case against Claimants and asked SAT for copies of the very case files that Claimants are requesting here. In response, SAT official (Ernesto Miguel Sánchez Ruiz) failed to produce the requested case files and apprised Mexico's counsel that SAT was not able to identify documents clarifying the alleged political motivation behind SAT's tax case against Claimants.

For clarification, Claimants' request does not ask Mexico to look for and produce documents showing the "political motivation" behind SAT's tax case against Claimants. As stated, the request seeks "[a]ny

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documents related to or prepared in connection with the SAT's resolutions (*oficios*) numbers 500-05-07-2014-3627 and 500-05-2012-50794, as well as inspection order (*orden de visita*) IDD9500016/12, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (*oficios*), and other documents prepared by, without limitation, the Ministry of Economy, SEGOB, and/or SAT between January 1, 2012 and present.”

In any event, Respondent cannot refuse production merely based on its self-serving belief that the requested documents would not clarify the political motivation behind SAT's tax proceedings against Claimants.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XVII. Criminal Charges and Investigations Against Claimants					
62.	Any document related to or prepared in connection with any criminal charges or investigations filed or conducted against E-Games' representatives, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, SEGOB and/or the Attorney General's office between January 1, 2014 and present.	<p>The requested documents are relevant and material to Claimants' claims that Mexico retaliated against Claimants by launching a criminal investigation and filing spurious criminal charges against Claimants' representatives in Mexico and that Mexico has unjustifiably refused Claimants' repeated attempts to access the criminal complaint (Claimants' Memorial, ¶¶ 464-466; <i>see also</i> Mr. Gutiérrez witness statement (CWS-52), ¶¶ 55, 104-107; <i>see also</i> Mr. Burr witness statement (CWS-50), ¶¶ 134-135).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business.</p>	<p>The Respondent objects this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish the relevance and materiality of the request (Items 15.1 and 15.2.2 of PO1 and Article 9(2)(a) of the IBA Rules).</p> <p>It is not disputed that SEGOB initiated criminal investigations as a result of the closure of the Claimants' Casinos (Respondent's Counter-Memorial, ¶¶ 431-435). As explained in the Counter-Memorial, "[p]ursuant to Article 12(II) of the LFJS, it is a federal crime to operate casinos without authorization from SEGOB".</p> <p>With respect to the claim that "Mexico has unjustifiably refused Claimants' repeated attempts to access the criminal complaint", the PGR (Attorney General's office) explained to the Claimants the reasons why it was not possible to grant the Claimants' request as it was not the appropriate stage of the proceeding, that they would be</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance and materiality is inapposite. Contrary to Mexico's deliberate mischaracterization, the disputed issue concerning this request is <i>not</i> whether SEGOB initiated criminal investigations against Claimants and their representatives but whether such investigations were retaliatory. Claimants contend that Mexico launched spurious criminal</p>	<p>Request granted with respect to the case files of the criminal investigations launched against the Claimants, subject to the Tribunal's resolution of Respondent's objection on the basis of legal impediment, as per PO9, ¶ 9(d) to (f); Remainder of request denied: relevance and materiality not established, and overly broad.</p>

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		<p>Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>summoned at the appropriate time, and that this was not a violation of their right to a hearing (<i>See</i>, C-363)</p> <p>Finally, it should be noted that Mr. Gutiérrez stated that investigations No. 717/UE/LE/30/2014, 718/EU/LE/29/2014, 720/UE/LE/21/2014 and 721/UE/LE/21/2014 were never successful (CWS-52, ¶ 104). The Claimants fail to establish how in this context the documents requested are relevant to the case or material to its outcome.</p> <p><i>Second</i>, the request lacks of specificity (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p> <p><i>Third</i>, legal impediment under Mexican law (Item 15.1 of PO1 and Article 9.2.b of the IBA Rules).</p> <p>Under Mexican law, information about criminal investigations is confidential. <i>See, e.g., Código Nacional de Procedimientos Penales</i> [National Code of Criminal Procedures], art. 218⁷;</p>	<p>investigations in order to intimidate and harass Claimants and their representatives and to retaliate against Claimants for their recourse to the dispute settlement mechanism offered to them under the NAFTA (Memorial, ¶ 465). Mexico then “categorically rejects that the criminal complaints filed by SEGOB against E-Games have been unjustified or in retaliation for initiating this arbitration” (Counter-Memorial, ¶ 462). The requested documents are thus relevant to the case and material to its outcome, because they will be relevant to evaluating whether Mexico had any improper purpose behind initiating the criminal investigations against Claimants and their representatives. Mexico’s assertion that the request lacks relevancy and materiality because the parties do not dispute that</p>	
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⁷ Article 218. Reservation of investigation acts. Research records, as well as all documents, regardless of their content or nature, objects, voice and image records or things that are related, are strictly reserved, so that

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			<p><i>Ley Federal de Transparencia y Acceso a la Información Pública</i> [Federal Law on Transparency and Access to Public Information] articles 110⁸ and 113⁹.</p>	<p>SEGOB initiated the criminal investigations is thus inapposite and disingenuous.</p> <p>Respondent notes that the criminal investigations were never successful. Again, Claimants' contention is that Mexico harassed and retaliated against Claimants by filing spurious criminal charges, and Mexico denies this allegation. That these criminal charges did not result in prosecution is irrelevant. Indeed, the requested documents will show under what circumstances SEGOB decided to lodge criminal complaints against Claimants' representatives in Mexico, which would further shed light on this very disputed issue.</p>	
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only the parties may have access to the same, with the limitations established in this Code and other applicable provisions [...]

⁸ Article 110. In accordance with the provisions of Article 113 of the General Law, the information whose publication may be classified as reserved information: VII. Obstruct the prevention or prosecution of crimes; [...] XI. It violates the conduct of the judicial files or the administrative procedures followed in the form of a trial, as long as they have not caused a state; XII. It is contained within the investigations of facts that the law designates as crimes and is processed before the Public Ministry, and XIII. Those that by express provision of a law have such a character, provided that they are in accordance with the bases, principles and provisions established in this Law and do not contravene it; as well as those provided for in international treaties.

⁹ Article 113. Confidential information is considered: I. That which contains personal data concerning an identified or identifiable natural person; II. The banking, fiduciary, industrial, commercial, fiscal, stock and postal secrets, whose ownership corresponds to individuals, subjects of international law or obligated subjects when they do not involve the exercise of public resources, and III. That presented by individuals to obligated

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Mexico also claims that the request is not relevant simply because it considers that it has provided a valid explanation to rebut Claimants' contention that Mexico has unjustifiably refused Claimants' repeated attempts to access the criminal complaint. Claimants make their document requests for the very purpose of preparing their case and obtaining documentary evidence in support of their case. Therefore, that in Mexico's view it has adequately explained that the PGR's refusal to share the criminal case file with Claimants was justified is irrelevant.

Overall, it is irrefutable that this request is relevant to the case and material to its outcome because the issue of whether Mexico, acting through SEGOB and PGR, improperly initiated the criminal proceedings and

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				<p>denied access to the file, in violation of the due process and in retaliation against Claimants’ recourse to NAFTA is a central element of Claimants’ claim that Mexico failed to accord Claimants fair and equitable treatment.</p> <p>Therefore, Mexico’s objection of lack of relevance and materiality is inapt.</p> <p><i>Second</i>, Claimants’ request is reasonable and specific. It asks for discrete information relating to “any criminal charges or investigations filed or conducted against E-Games’ representatives”. Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda, analyses, notes, and official resolutions (<i>oficios</i>)). In addition, Claimants have</p>	
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provided concrete information regarding the facts and time period surrounding this request in their Memorial on the Merits, the exact paragraphs of which they reference. Such information sufficiently identifies the requested documents. Moreover, Respondent's objections as to lack of specificity are undetailed and fail to identify the bases for such assertions.

Lastly, Claimants observe that Mexico improperly ignores the Tribunal's instruction in Procedural Order No. 9 and objects to the production for the reason that "[u]nder Mexican law, information about criminal investigations is confidential." Claimants thus respectfully request that the Tribunal exclude Mexico's objection on this ground from its consideration. In connection, Claimants also explicitly reserve their right

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			<p>to object to Mexico's assertion of confidentiality and privilege in relation to this request.</p> <p>Claimants also note that even under the Mexican law provision that Mexico invokes (i.e., <i>Código Nacional de Procedimientos Penales</i>, Art. 218)), "the parties" to the criminal investigation are entitled to the investigative records. In other words, while the provision invoked by Mexico establishes that information related to criminal investigations is reserved, very importantly, such reservation does not apply to the parties to the investigation or proceeding. Specifically, it cannot be applied to the detriment of the defendant and his or her defense. Article 113, section VIII, of the Federal Code of Criminal Procedure recognizes the right of the defendant and his or her defense counsel to have access to the investigation records, as well as to obtain a copy of the same. Therefore,</p>	
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				<p>Respondent's assertion that it is prevented from producing documents related to this criminal investigation is erroneous. Here, some of the Claimants who served as E-Games' representatives, including Claimant Erin Burr, were parties to the criminal investigations initiated by SEGOB (<i>See e.g.</i>, Third Witness Statement of Erin Burr, ¶ 140).</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XVIII. Black Cube					
63.	Any documents related to, prepared in connection with, or reflecting an analysis of Black Cube's recordings of Mr. Avila Mayo and Mr. Rosenberg, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between April 1, 2020 and present.	<p>These documents are relevant to Respondents' request that the Black Cube evidence be removed from this arbitration (Respondent's Counter Memorial, ¶¶ 469-480).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Respondent has undertaken a reasonable search, but did not identified other documents that would be responsive to this request.</p> <p>The Respondent notes, however, the lack of specificity of the request (Items 15.1 and 15.2.1 of PO1 and Article 3(3)(a) of the IBA Rules), as explained in the section A of the general objections to this Request for Documents.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>Respondent's statement that it does not have any documents responsive to this request is not credible. In its Counter-Memorial, Respondent presents an extended argument detailing why, in its view, the Black Cube evidence should be excluded from this proceeding, as well as why it does not support Claimants' arguments in this case (Respondent's Counter Memorial, ¶¶ 457-480). Specifically, among other things, Respondent argues that the Black Cube evidence is illegal. Surely, in reaching those conclusions, Respondent would have generated correspondence, memoranda, <i>oficios</i>, etc.</p>	<p>Request denied. Relevance and materiality not established; overly broad. The Tribunal notes that the Respondent has in any event conducted a reasonable search for responsive documents.</p>

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				related either to the Black Cube evidence in this case specifically, and/or evidence from Black Cube in general. These documents should be produced.	
XIX. Mr. Taylor Declaration					
64.	Any documents related to, prepared in connection with, or reflecting an analysis of Respondent's attempts to obtain Mr. Taylor's declaration attached to its Counter-Memorial as Exhibit R-75, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other	<p>These documents are relevant to Respondents' claims that the Claimants' have "unclean hands" (Respondent's Counter-Memorial, ¶¶ 859-872).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to</p>	<p>The Respondent objects to this request for the following reasons:</p> <p><i>First</i>, the Claimants have failed to establish how this broad request is relevant to the case and material to the outcome. The Respondent's submissions on the issue of the Claimants' unclean hands are based on an affidavit which has been filed as Exhibit R-75. Documents prepared in connection the "Respondent's attempts to obtain</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A. In addition, Respondent's objections are without merit and should be overruled for the following reasons:</p> <p><i>First</i>, Respondent's reason not to produce documents based on lack of relevance</p>	<p>Request denied: relevance and materiality not established.</p>

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	documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between April 1, 2020 and present.	government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.	<p>the affidavit” are not relevant to the Claimant’s “unclean hands” or with the case in general, and are certainly not material to the outcome of the case in any way. (Items 15.1 and 15.2.2 of PO1 and Article 9.2.a of the IBA Rules), and</p> <p><i>Second</i>, all documents and communications created by the Respondent or on behalf of the Respondent are subject to litigation privilege and solicitor-client privilege because they were created or made in connection with and for the purpose of providing or obtaining legal advice (Items 15.1 and 15.2 of PO1 and Articles 9.2.b and 9.3.a of the IBA Rules),</p>	<p>and materiality is inapposite. As Mexico itself acknowledges in its Counter-Memorial, its entire allegation of “unclean hands” is based on Mr. Taylor’s affidavit (Counter-Memorial, ¶¶ 859-864). Mexico then claims that Mr. Taylor’s declaration (Exhibit R-75) is “publicly available on the Denver Court record.” (Counter-Memorial, ¶ 860).</p> <p>As Claimants fully explained in their letter to the Tribunal dated February 2, 2021, Mr. Taylor’s declaration could have been only obtained by Mexico if it had been communicating directly with Mr. Taylor (or someone else on his behalf) during the very time Mr. Taylor was represented by QEU&S (which, on information and belief, Claimants believe to have been the case).¹⁰ In this regard, the very information Claimants seek to obtain via</p>	
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¹⁰ Claimants’ Letter to the Tribunal dated February 2, 2021, at pp. 3-4 (“Documents in the U.S. court proceeding from which Mexico obtained Mr. Taylor’s Affidavit are not published electronically, but are only shared in hard copy after an individual makes a formal written request to the clerk’s office for the specific document and/or case file. A party making a request for documents must know the names of the parties to the matter and the specific documents that it would like to request. Respondent would have had no way to know about Mr. Taylor’s declaration had it not been communicating with him, or someone on his behalf.”).

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			<p>this request, i.e., the documents related to Mexico's efforts to obtain Mr. Taylor's declaration, is relevant to the case and material to its outcome, as it would be relevant to evaluating the propriety of Mexico's conduct in this proceeding as well as the admissibility of Mr. Taylor's declaration and ultimately the merits of Mexico's allegation of "unclean hands", which again is entirely based on Mr. Taylor's declaration.</p> <p>Therefore, Mexico's objections on the basis of lack of relevancy and materiality are inapposite.</p> <p><i>Second</i>, Claimants observe that Mexico improperly ignores the Tribunal's instruction in Procedural Order No. 9 and objects to the production for the reason that "all documents and communications created by the Respondent or on behalf of the Respondent are subject to litigation privilege and solicitor-client privilege."</p>	
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				<p>Leaving aside the fact that there would be no applicable claim of privilege here, Claimants respectfully request that the Tribunal exclude Mexico's objection on this ground from its consideration. In connection, Claimants also explicitly reserve their right to object to Mexico's assertion of confidentiality and privilege in relation to this request.</p> <p>Claimants also note that Mexico mentions in a passing remark that Claimants' request is "broad". This is incorrect. Claimants' request is reasonable and specific. It asks for discrete information relating to Mexico's efforts to obtain Mr. Taylor's declaration during the specified time period (April 1, 2020 and present). Moreover, Claimants have provided examples of the types of documents that would be responsive to this request (internal or external government correspondence, reports, memoranda,</p>	
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				analyses, notes, and official resolutions (<i>oficios</i>)).	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
65.	Any documents related to, prepared in connection with, or reflecting an analysis of Respondent's communication with any of the Claimants and/or any of the investors in the B-Mex Companies, including, without limitation, communications with Mr. Randall Taylor or Mr. David Ponto, including without limitation, copies of internal or external government correspondence, reports, agendas, notes, transcripts, minutes, memoranda, analyses, official resolutions (<i>oficios</i>), and other documents prepared by, without limitation, the Ministry of Economy, and/or SEGOB, between January 1, 2019 and present.	<p>These documents are relevant to Respondents' claims that the Claimants' have "unclean hands" (Respondent's Counter-Memorial, ¶¶ 859-872).</p> <p>This request concerns a narrowly defined category of documents within a specific time period that are or should be in the Respondent's possession, custody or control because they are or should be inherent to government functions, part of ordinary operations, and kept in the regular course of business. Claimants do not have access to, possession, custody or control of, the requested documents.</p>	<p>The Respondent objects to this request for the following reasons:</p> <p><u>First</u>, the Claimants have failed to establish how this broad request is relevant to the case and material to the outcome. The Respondent's communications with any of the Claimants or investors in the B-Mex Companies are not relevant to the Claimant's "unclean hands" or with the case in general, and are certainly not material to the outcome of the case in any way. (Items 15.1 and 15.2 of PO1 and Article 9.2.a of the IBA Rules).</p> <p><u>Second</u>, all documents related to such communications created by the Respondent or on behalf of the Respondent are subject to litigation privilege and solicitor-client privilege because they were created or made in connection with and for the purpose of providing or obtaining legal advice (Items 15.1 and 15.2 of PO1 and Articles 9.2.b and 9.3.a of the IBA Rules), and</p> <p><u>Third</u>, all documents exchanged with or other communications between the Respondent and any Claimants or investors in the B-</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's General Objection A.</p> <p>Claimants also refer to and incorporate by reference as if fully set forth herein their response to Respondent's objection to the request 64 above.</p> <p>In addition, Claimants note that Mexico improperly ignores the Tribunal's instruction in Procedural Order No. 9 and objects to the production on the basis of privilege and confidentiality. In particular, Mexico claims that (i) the requested documents are subject to "litigation privilege and solicitor-client privilege" and that (ii) requested documents—to the extent that it relates to Mexico's settlement negotiations with any of Claimants and or investors in B-Mex companies—shall be</p>	Request denied: relevance and materiality not established.

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			<p>Mex companies have occurred in connection with and for the sole purpose of settlement negotiations and are therefore not subject to disclosure. (Items 15.1 and 15.2 of PO1 and Articles 9.2.b and 9.3.b). In this context, even the identity of who the Respondent has had settlement negotiations with is confidential and privileged.</p>	<p>“confidential and privileged.”</p> <p>Claimants understand that the contents of these communications were not related to any settlement, but instead were related to Mexico’s efforts to obtain Mr. Taylor’s declaration, which is highly relevant to this proceeding.</p> <p>Pursuant to Procedural Order No. 9, Claimants respectfully request that the Tribunal exclude Mexico’s objection on this ground from its consideration. In connection, Claimants also explicitly reserve their right to object to Mexico’s assertion of confidentiality and privilege in relation to this request.</p>	
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
XX. Damages					
66.	Any supporting documents and/or original data and/or values to support the values in worksheet RMA-002, Sheet "Fig1_CuotaDeMercado," Cells U11-U-21.	<p>The Expert Report of Mr. Ri6n makes certain categorizations of permit holders for which it provides no citations or underlying support.</p> <p>The requested documents are relevant for Claimants' damages expert to verify analyses and conclusions included in the Expert Report of Mr. Ri6n and prepare Claimants' Rebuttal Expert Report.</p>	<p>Data in cells U11-U21 was based on own investigation of public information (web searches) to identify casino brands owned by permitholders, holding company and any other potential relationships between permit holders. The webpages visited were not stored as documents.</p> <p>The data source for cells W11–W21 stems from publicly available data in SEGOB's website at http://www.juegosysorteos.gob.mx/en/Juegos_y_Sorteos/Salas_de_Sorteos_de_Numeros and the link to each of the 49 permits at the time of review is summarized in RMA-002, tab SEGOBPermitHolders, cells C8 – C57, with the data for Participaciones captured in tab SEGOBParticipaciones.</p> <p>The Respondent is not in possession or control of any document falling within this request for documents.</p>	<p>As an initial matter, Claimants would have not needed to submit this request had Mexico provided all supporting documentation for the Ri6n Expert Report.</p> <p>In its response, Mexico explains that "Data in cells U11-U21 was based on own investigation of public information (web searches)" and that "[t]he webpages visited were not stored as documents." Mexico cannot refuse production merely because the information that the Ri6n Expert Report was based upon was not saved as documents. To the extent such information was relied upon by Mexico's expert to prepare "data in cells U11-U21", it shall be produced to Claimants.</p>	Request granted insofar as the responsive documents are within the Respondent's control and have not yet been produced.

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67.	<p>Any documents to support RMA-106 related to the number of gaming permits granted in Mexico, the number of casino rooms operating, and number of casino visitors for 2008 through 2019 and/or the underlying SEGOB data to support the same information from 2006 to 2019.</p>	<p>The Expert Report of Mr. Ri3n relies on 2020 data about the number of gaming permits granted, casino rooms operating, and the number of casino visitors, but does not provide this data for earlier years. (<i>See</i> RMA-106 DatosParaActuario-220920P, ¶¶74, 77, Ilustraci3n 3).</p> <p>The requested documents are relevant to verifying the analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>	<p>The data provided by AIEJA was included in RMA-106 and constitutes the extent of the data received from the association.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>The Ri3n Expert Report only provides the 2020 data regarding the number of gaming permits granted in Mexico, the number of casino rooms operating, and number of casino visitors (<i>See</i> RMA-106 DatosParaActuario-220920P), despite that the Ri3n Expert Report makes conclusions about gaming licenses and the number and performance of casinos for earlier years (<i>see</i> Expert Report of Mr. Ri3n (RER-3), ¶ 128).</p> <p>The AIEJA Report (RMA-106) notes that to determine the number of casinos operating nationwide, AIEJA relied on information that may reflect “a slight difference with the data managed by the Direcci3n General de Juegos y Sorteos”. This implies that Respondent, at a minimum, would be in possession of the data concerning the number of casinos operating nationwide (<i>See</i> RMA-106, p. 5. fn. 1).</p>	<p>Request granted insofar as the responsive documents are within the Respondent’s control and have not yet been produced.</p>
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				<p>The AIEJA also refers to SEGOB's website: http://www.juegosysorteos.gob.mx/en/Juegos y Sorteos/ Salas de Sorteos de Numeros. (See RMA-106, p. 6). The public information available here only shows a snapshot of the number of rooms operating at the time of viewing the website, and therefore, does not show the number of casinos operating over time or the number of permits issued over time.</p>	
68.	Any documents related to, prepared in connection with, or supporting original data output from Capital IQ and search criteria.	<p>The Expert Report of Mr. Ri3n relies on corporate bond data from Capital IQ for a selection of Mexican companies but does not produce the original list of corporate bonds and corresponding data considered prior to narrowing the sample (Expert Report of Mr. Ri3n (RER-3), ¶ 226, Tabla 6, RMA-002, Sheet "Tab6_MXNBonds").</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants' Rebuttal Expert Report.</p>	<p>Full source dataset as downloaded (filtered for matching criteria), as well as original CapitalIQ screen criteria is attached as RMA-012 Mexico Bond Issues.xlsx.</p> <p>The selected corporate bonds correspond to MXN denominated bonds issued between January and April 24 2014.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>As an initial matter, Claimants would have not needed to submit this request had Mexico provided all supporting documentation for the Ri3n Expert Report.</p> <p>Claimants also clarify that Mexico has not yet produced "RMA-012 Mexico Bond Issues.xlsx." Claimants thus respectfully request that the Tribunal order Mexico to produce said document.</p>	Request granted insofar as the responsive documents are within the Respondent's control and have not yet been produced.

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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
69.	Any documents, analyses, or underlying data used to support Mr. Ri3n's assertions about the unavailability of loan data in the gaming sector.	<p>The Expert Report of Mr. Ri3n makes assertions about the unavailability of loan data in the gaming sector, but does not provide the underlying original data used (Expert Report of Mr. Ri3n (RER-3), ¶ 229 ("We carried out a review on the website of the Ministry of the Interior of the financial reports of the permit holders in the sector. In the sample of the main permit holders, it was found that no company in the sector had bank loans in 2014.")).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants' Rebuttal Expert Report.</p>	<p>The documents that were reviewed are attached and indexed for this request in "RMA-2018 Comp Financial Statements Index.pdf".</p> <p>The analysis was based on 108 financial statements for the largest competitors using the publicly available documents at SEGOB's website, http://www.juegosysorteos.gob.mx/en/Juegos_y_Sorteos/Salas_de_Sorteos_de_Numeros.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>Claimants first note that the Ri3n Expert Report does not identify which permit holders/companies Ri3n considered for purposes of the "review" mentioned in paragraph 229 of the Ri3n Expert Report nor does it specify the time period covered in that "review." This information is necessary to Claimants' quantum expert to verify the assertions contained in paragraph 229 of the Ri3n Expert Report.</p> <p>Claimants also clarify that, Mexico has not yet produced "RMA-2018 Comp Financial Statements Index.pdf."</p> <p>Given the title of the document that Mexico intends to produce, it is unclear whether "RMA-2018 Comp Financial Statements Index.pdf" would contain all 108 financial statements that Ri3n had considered for the purposes of</p>	Request granted insofar as the responsive documents are within the Respondent's control and have not yet been produced.

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				<p>the “review” mentioned in paragraph 229 of the Rión Expert Report, or just an “index” of such financial statements. Mexico has already produced a sample of financial statements Rión had relied upon in the making of Ilustración 12 of the Rión Expert Report. Given this, Claimants request that the Tribunal order Mexico to produce all 108 financial statements that Rión had considered for its “review”, not just an index of them.</p> <p>Lastly, Claimants remind Mexico that it had already produced a different document (“Ex. RMA-2018_13_OPERADORA_CANTABRIA.pdf”) as Exhibit RMA-2018. Thus, the requested documents shall be produced with a different exhibit number.</p>	
70.	All documents reviewed and considered in Mr. Rión’s analysis of financial statements of casino businesses.	In the Expert Report of Mr. Rión, Mr. Rión conducted a review of financial statements of casino businesses but does not provide all original source data used to identify the referenced financial statements (Expert Report of Mr. Rión (RER-3), ¶ 230 (“... in our	<p>The review of financial statements of casino business was done using the same source of information identified in request 69 above.</p> <p>The Respondent is not in possession or control of any documents falling within this request for documents.</p>	<p>Claimants also refer to and incorporate by reference as if fully set forth herein their response to Respondent’s objection to the request 69 above.</p>	Request granted insofar as the responsive documents are within the Respondent’s control and have not yet been produced.

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		<p>review of financial statements we found that the casino business per se is relatively light on fixed assets ...”).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>			
71.	<p>All documents and data considered to support Mr. Ri3n’s statements and/or conclusions relating to (i) the number of gaming licenses that were renewed and/or not renewed between 2006 and 2020; and (ii) the reason or justification for the nonrenewal of the gaming licenses.</p>	<p>The Expert Report of Mr. Ri3n makes conclusions about the terminal value of Claimants’ Casinos, but does not provide factual support. In particular, Mr. Ri3n states, “... we consider that the Terminal Value should not be considered, given the uncertainty in the renewal of the Claimants’ Permits and, consequently, the improbability of the success of the business ad infinitum” (Expert Report of Mr. Ri3n (RER-3), ¶ 163).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>	<p>Attached 50 documents (web page printout) consulted at the time of analysis, indexed for this request in “RMA-2019 SEGOB Permit List.pdf”.</p> <p>These documents are publicly available at SEGOB’s web site, http://www.juegosysorteos.gob.mx/en/Juegos_y_Sorteos/Salas_de_Sorteos_de_Numeros, which reports permits issued, their legal status, and any ongoing legal or administrative process. Status of different permits may vary over time, and information attached is what was consulted during the elaboration of the report.</p> <p>It should be noted that Ri3n found no evidence of permits being renewed or not renewed to date, as none of the permits issued since 2004 have reached their</p>	<p>As an initial matter, Claimants would have not needed to submit this request had Mexico provided all supporting documentation for the Ri3n Expert Report.</p> <p>Claimants also clarify that Mexico has not yet produced to Claimants “RMA-2019 SEGOB Permit List.pdf”. Thus, Claimants respectfully request that the Tribunal order Mexico to produce said document.</p> <p>Claimants also remind Mexico that it had already produced a different document (“Ex. RMA-2019 15 OPERADORA DE ES</p>	<p>Request granted insofar as the responsive documents are within the Respondent’s control and have not yet been produced.</p>

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			<p>term (with two exceptions of single-year permits issued and not renewed). Several permits have been revoked, annulled or cancelled otherwise (including those of E-Mex, B-Mex, Cia. Operadora Megasport S.A. de C.V. and others), and new permits have also been issued.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>PECTACULOS_DEPORTIVOS.pdf”) as Exhibit RMA-2019. Thus, the requested documents shall be produced with a different exhibit number.</p>	
72.	<p>All documents cited in the Expert Report of Mr. Ri3n as Exhibit RMA-310.</p>	<p>The Expert Report of Mr. Ri3n cites to RMA-310 to support its conclusions but does not produce this exhibit (Expert Report of Mr. Ri3n (RER-3), ¶ 251).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>	<p>Attached as Ex. RMA-310 Private Company Discount.pdf.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>As an initial matter, Claimants would have not needed to submit this request had Mexico provided all supporting documentation for the Ri3n Expert Report.</p> <p>Claimants also clarify that Mexico has not yet produced to Claimants “Ex. RMA-310 Private Company Discount.pdf”.</p> <p>Thus, Claimants respectfully request that the Tribunal order Mexico to produce said document.</p>	<p>Request granted insofar as the responsive documents have not yet been produced.</p>

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73.	All source documents and/or data underlying Table 7 (<i>Tabla 7</i>) in the Expert Report of Mr. Ri3n.	<p>The Expert Report of Mr. Ri3n does not provide data underlying Table 7 (Expert Report of Mr. Ri3n (RER-3), Table 7, ¶ 252).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>	<p>The table erroneously references Ex. R-00X. The correct reference should be Exhibit RMA-309 The Liquidity Discount in Valuing Privately Owned Companies, a study carried out by Stanley Block.</p> <p>Exhibit RMA-309 was included in the original submission, and is attached again for reference.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>Claimants confirm that Exhibit RMA-309 was <i>not</i> included in Respondent’s original submission.</p> <p>Thus, Claimants respectfully request that the Tribunal order Mexico to produce said document.</p>	Request granted insofar as the responsive documents have not yet been produced.
74.	All documents cited in the Expert Report of Mr. Ri3n as Exhibit RMA-304.	<p>The Expert Report of Mr. Ri3n cites to RMA-304 to support its conclusions but does not produce this exhibit (Expert Report of Mr. Ri3n (RER-3), ¶ 254).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants’ Rebuttal Expert Report.</p>	<p>Attached as RMA-304 Firm Value and Discounts.pdf</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>As an initial matter, Claimants would have not needed to submit this request had Mexico provided all supporting documentation for the Ri3n Expert Report.</p> <p>Claimants also clarify that Mexico has not yet produced to Claimants “RMA-304 Firm Value and Discounts.pdf.</p> <p>Thus, Claimants respectfully request that the Tribunal order Mexico to produce said document.</p>	Request granted insofar as the responsive documents have not yet been produced.

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75.	All documents cited in the Expert Report of Mr. Rión as Exhibit RMA-309.	<p>The Expert Report of Mr. Rión cites to RMA-309 to support its conclusions but does not produce this exhibit (Expert Report of Mr. Rión (RER-3), ¶ 114).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Rión and prepare Claimants' Rebuttal Expert Report.</p>	<p>See response to request 73 above.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>Claimants also refer to and incorporate by reference as if fully set forth herein their response to Respondent's objection to the request 73 above.</p>	<p>Request granted insofar as the responsive documents have not yet been produced.</p>
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No.	Description of the Requested Documents or Category of Documents	Relevance and Materiality of the Requested Documents or Category of Documents	Response/ Objections (if any)	Reply to Response/Objections (if any)	Tribunal's Decision
76.	All underlying data to support (1) the number of gaming licenses that were issued between 2004 and 2020; and (2) data on the number and performance of casinos operating between 2004 and 2020.	<p>The Expert Report of Mr. Ri3n makes conclusions about gaming licenses and the number and performance of casinos, but does not provide support. In particular, Ri3n states, "First, the period 2004 to 2007 reflects an exponential growth when the granting of permits was triggered with the new Regulations of the Federal Law of Games and Raffles (September 17, 2004) that generated euphoria by opening the sector to private investment for the first time." (Expert Report of Mr. Ri3n (RER-3), ¶ 128).</p> <p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri3n and prepare Claimants' Rebuttal Expert Report.</p>	<p>See response to request 71 above.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>	<p>Claimants refer to and incorporate by reference as if fully set forth herein their response to Respondent's objection to the request 71 above.</p>	<p>Request granted insofar as the responsive documents are within the Respondent's control and have not yet been produced.</p>
77.	All supporting documents and/or exhibits to Mr. Ri3n's report that were not submitted with Respondent's Counter-Memorial.	<p>The Expert Report of Mr. Ri3n relies on exhibits that were numbered non-consecutively, e.g. Ex. RMA-011 is followed by Ex. RMA-106. (Expert Report of Mr. Ri3n (RER-3), § VIII).</p>	<p>Ri3n's opinion was based solely on the exhibits referenced in the report. These exhibits were indexed and grouped together according to the type of information (e.g. Models start with RMA-0XX, Competitor</p>	<p>Claimants have no further comments regarding this request.</p>	<p>Request denied: existence, and relevance and materiality not established.</p>

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		<p>The requested documents are relevant to verify analyses and conclusions included in the Expert Report of Mr. Ri6n and prepare Claimants' Rebuttal Expert Report.</p>	<p>Information documents start with RMA-2XX, General Information – such as news articles – begin with RMA-1XX, Academic documents begin with RMA-3XX). Some exhibit numbers were intentionally left blank.</p> <p>The Respondent is not in possession or control of any other document falling within this request for documents.</p>		
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