

**IN THE MATTER OF AN ARBITRATION PROCEEDING UNDER THE UNITED MEXICAN
STATES – SINGAPORE AGREEMENT ON THE PROMOTION AND RECIPROCAL
PROTECTION OF INVESTMENTS AND
THE UNCITRAL ARBITRATION RULES (2010)**

PACC Offshore Services Holdings Ltd

v.

The United Mexican States

(UNCT/18/5)

PROCEDURAL ORDER NO. 2

Members of the Tribunal

Dr. Andrés Rigo Sureda, Presiding Arbitrator

Prof. W. Michael Reisman, Arbitrator

Prof. Philippe Sands QC, Arbitrator

Secretary of the Tribunal

Ms. Mercedes Cordido-Freytes de Kurowski

December 19, 2018

I. Background

1. On December 9, 2018, in a letter to the parties the Tribunal noted: “the schedule of document production as it stands would render the production of documents of limited use for the preparation of the Reply. Indeed, in the case of non-objected documents, the deadline is 6 weeks from the due date of the Statement of Defense, and in the case of objected documents ordered to be produced by the Respondent, the deadline is 7 weeks from that date. In these circumstances the Tribunal considers it reasonable to start counting the deadline for filing the Reply as from the end of the production phase. The Tribunal would appreciate the parties’ views on this matter by no later than December 14, 2018.”
2. In its letter of December 14, 2018, the Respondent recognizes that the current document production results in an unreasonable period of time for the Claimant’s review of the produced documents before submission of the Reply, but considers that the deadline extension proposed by the Tribunal would result in unequal treatment of the Parties. Thus, the Respondent has proposed instead that the deadline for the Reply be extended from 8 weeks to 10 weeks from the due date of the Statement of Defense and, in the case of the Rejoinder, the deadline be extended from 8 to 10 weeks from the due date of the Reply.
3. In its letter of December 14, 2018, the Claimant supports counting the 8 weeks for submission of the Reply as from the end of the production phase instead of the due date of Statement of Defense because otherwise it needs to manage document production and prepare the Reply at the same time.

II. Considerations and Decision of the Tribunal

4. The Tribunal considers that, while the management of the document production together with the preparation of the Reply is a situation that will not be encountered by the Respondent, the Claimant will be in receipt of the Statement of Defense throughout the document production phase and may start to prepare the Reply with the full knowledge of the position of the Respondent.
5. For these reasons, the Tribunal considers that the extension of the deadline of both the Reply and the Rejoinder is justified in order to maintain the equal treatment of the Parties and that an extension of three weeks would be reasonable in light of the concerns expressed by the Parties.
6. Therefore, the Tribunal has decided (i) to extend the deadline for submission of the Reply from 8 to 11 weeks as from the due date of the Statement of Defense and the deadline for submission of the Rejoinder from 8 to 11 weeks from the due date of the Reply, and (ii) to revise the Procedural Time Table in Annex 1 to Procedural Order No. 1 as set forth in the Annex to this Order.

On behalf of the Tribunal,

[Signed]

Dr. Andrés Rigo Sureda
President of the Tribunal
Date: December 19, 2018

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Annex
Procedural Time Table (Merits Phase)

Submission	Term	Due Date
Statement of Claim	<u>16 weeks from the date of Procedural Order No. 1</u>	March 20, 2019
Statement of Defence	<u>16 weeks from the due date of the Statement of Claim</u>	July 10, 2019
Document production	See Annex 2 in Procedural Order No. 1 for the document production schedule	--
Reply	<u>11 weeks from the due date of the Statement of Defence</u>	September 25, 2019
Rejoinder	<u>11 weeks from the due date of the Reply</u>	December 11, 2019
Hearing in Washington, D.C. (estimated duration: 5/6 days, plus 2 in reserve)	Not earlier than 8 weeks from the date of the filing the translations of the Rejoinder	June 15-19, 2020

NOTE: For the avoidance of doubt, early submission of a pleading does not alter the Procedural Time Table above.