

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

*Legacy Vulcan, LLC*

v.

*United Mexican States*

**(ICSID Case No. ARB/19/1)**

---

**PROCEDURAL ORDER NO. 6**

---

***Members of the Tribunal***

Prof. Albert Jan van den Berg, President of the Tribunal  
Prof. Sergio Puig, Arbitrator  
Prof. Guido Santiago Tawil, Arbitrator

***Secretary of the Tribunal***

Ms. Sara Marzal

***Assistant to the Tribunal***

Ms. Emily Hay

4 June 2021

**I. PROCEDURAL BACKGROUND**

1. On 26 November 2019, the Tribunal issued Procedural Order No. 1 (“**PO 1**”) setting out the procedural rules of this arbitration.
2. On 12 May 2021, the Tribunal circulated a draft of this Order containing a remote hearing protocol for the Parties’ comments, and invited the Parties to confirm their availability for a pre-hearing organizational meeting (the “**Pre-Hearing Organizational Meeting**”) and pre-hearing technical test run (“**Pre-Hearing Test Run Video Conference**”).
3. On 17 May 2021, the Parties confirmed their respective availabilities for the Pre-Hearing Organizational Meeting and Pre-Hearing Test Run Video Conference. The Tribunal confirmed the dates for those meetings on 18 May 2021, as reflected in this Order below.
4. On 28 May 2021, the Parties submitted their joint comments on the draft of this Order, indicating their agreed edits or respective positions, as relevant.
5. The Tribunal has considered the Parties’ positions and, in the present Order, sets out the procedural rules that the Parties have agreed upon and/or the Tribunal has determined will govern the conduct of the Hearing.

**II. ORGANIZATION OF THE HEARING**

**A. PRE-HEARING ORGANIZATIONAL MEETING**

6. In accordance with Section 19.1 of PO 1, a Pre-Hearing Organizational Meeting shall be held by video conference on **Friday, 18 June 2021 at 9:00 a.m. Mexico City / 10:00 a.m. Washington, D.C. / 4:00 p.m. Brussels** between the Tribunal, or its President, and the parties in order to resolve any outstanding procedural, administrative, and logistical matters in preparation for the Hearing.

**B. DATE AND FORMAT OF THE HEARING**

7. The Hearing will take place virtually through Zoom on 26-30 July 2021 (with 31 July 2021 in reserve) to be hosted by FTI. The details to join the Zoom session will be shared by the ICSID Secretariat in advance of the Hearing.

**C. ORDER OF PROCEEDINGS AND SCHEDULE**

8. In order to accommodate the multiple time zones of all Hearing participants, the Hearing will start each day at 8:15 a.m. Mexico City / 9:15 a.m. Washington, D.C. / 3:15 p.m. Brussels. It is expected to conclude each day by 2:30 p.m. Mexico City / 3:30 p.m. Washington, D.C. / 9:30 p.m. Brussels. There will be three breaks during the Hearing day, two of 15 minutes and one of 30 minutes.
9. In principle, each Hearing day will proceed in slots as follows: 1.5 hours of Hearing time, 15-minute break, 1.5 hours of Hearing time, 30-minute break, 1.5 hours of Hearing time, 15-minute break, 0.75 hours of Hearing time.
10. The order of proceedings and structure of the Hearing will be as indicated in the agenda to be finalized at a later date, a draft of which is incorporated as **Annex A**. Following the notification of witnesses to be examined at the Hearing, an Excel timetable for the Hearing shall be circulated, in which the Parties shall insert their estimated time required for the cross-examination of each witness and expert. The estimates provided in the Excel may be used as a basis for the agenda.
11. The Tribunal reserves discretion to adjust the Hearing schedule as needed in light of the stage of examination of a witness, to accomplish the prescribed agenda and to accommodate any technical disruptions. The Tribunal may temporarily or permanently suspend the Hearing if it deems the functioning of the videoconference system to be inadequate or likely to prejudice the due process rights of any of the Parties or the integrity of the proceeding. The Parties are asked to bear in mind that transcripts will be available, mitigating any prejudice arising from the failure of any given participant to be able to follow the entire Hearing on the videoconference platform.

**D. TIME ALLOCATION**

12. In accordance with Section 20.5 of PO 1, the Hearing will proceed on the principle that the Parties should have equal time to present their case within the time allocation agreed upon for each phase of the Hearing (i.e., Opening Statement, Direct and Cross-Examination of Witnesses and Experts, Responses to Questions from the Tribunal and Final Statement, if any).
13. Time used by the Parties in oral argument or in examination of witnesses and experts shall be attributable to the Party making such argument or conducting such examination.
14. Tribunal Questions. Time taken by the Tribunal for its own questions during the Parties' presentations and cross-examinations and the answers to those questions shall not be counted against

the Parties' time. Time used for housekeeping or to resolve technical difficulties shall be counted against the time reserved for housekeeping or against the Tribunal's reserved time, if needed. The Parties should prepare on the basis that 40 minutes each day will be consumed by Tribunal questions, procedural matters, technical interruptions, or other contingencies.

15. Accordingly, considering the total number of Hearing days (five days, with one in reserve), there will be a total of 26.25 hours excluding breaks and considering only 5 days. Each Party shall have a total of 11.5 working hours available to it during the entire Hearing. The Tribunal will provisionally have 3.25 hours in reserve.

16. Each Party shall have the following allocated time for each stage of the Hearing:

(a) *Opening Statement*. Each Party shall be allowed a maximum of 2 hours for its Opening Statement.

(b) *Witnesses/Expert examinations*:

- *Direct Examination of Fact Witnesses*. In accordance with Section 18.5.1 of PO1, the direct examination of a fact witness shall not exceed 15 minutes. For the avoidance of doubt, if a Party does not call a witness for cross-examination at the Hearing, that witness shall not provide direct testimony at the Hearing, unless called by the Tribunal in accordance with Section 18.3 of PO1. Direct examination at the hearing shall be limited to the contents of the witness's written statement(s) and any corrections thereof.

- *Direct Presentations by Experts*. In accordance with Section 18.5.1 of PO1, the presentation by an expert shall not exceed 30 minutes. For the avoidance of doubt, if a Party does not call an expert for cross-examination at the Hearing, that expert shall not provide direct testimony at the Hearing, unless called by the Tribunal in accordance with Section 18.3 of PO1. Direct examination at the hearing shall be limited to the contents of the expert's written statement(s) and any corrections thereof.

(c) *Closing statements*: In lieu of closing statements, the Parties will present responses to questions from the Tribunal, if any.

17. The Secretary of the Tribunal shall keep a chess clock account of time and advise the Parties of the total daily time used at the end of each Hearing day.
18. The Tribunal emphasizes that the Parties are expected to use the Hearing day efficiently and avoid unnecessary slippage (e.g., delays in returning from breaks). To this end, as a general rule, each witness/expert shall be available for examination half a day before and after the time at which his/her examination is scheduled. In the event of excess slippage, the Tribunal may revisit the length of the sitting day or, in unusual circumstances, the time allocated to the Parties, bearing in mind principles of predictability, equal treatment and a fair opportunity for the Parties to be heard.

**E. DOCUMENTS FOR USE AT THE HEARING**

**1. Electronic Hearing Bundle**

19. There shall be a single Electronic Hearing Bundle (PC and Mac compatible), to be prepared jointly by the Parties.
20. The Parties shall provide, no later than **16 July 2021**, the Electronic Hearing Bundle which shall contain all pleadings, expert reports, exhibits, legal authorities and Tribunal's orders or decisions on file to date, with a consolidated hyperlinked index. It shall not contain any document not previously filed. It shall be organized as follows:

Electronic Hearing Bundle:

**01. Pleadings**

- A. Claimant
- B. Respondent

**02. Exhibits**

- A. Claimant
- B. Respondent

**03. Legal Authorities**

- A. Claimant
- B. Respondent

**04. Witness Statements including Exhibits thereto**

- A. Claimant
- B. Respondent

**05. Expert Reports including Exhibits thereto**

- A. Claimant
- B. Respondent

**07. Tribunal's Rulings**

21. The Electronic Hearing Bundle shall be uploaded by the Parties to a designated sub-folder in the BOX filesharing platform. To ensure operation of the hyperlinked index, the entire Electronic Hearing Bundle shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the Parties shall upload the organized Electronic Hearing Bundle to a designated sub-folder on to the BOX filesharing platform, using the structure indicated at paragraph 20 *supra* and include a consolidated (non-hyperlinked) index.
22. Prior to the Hearing, the Members of the Tribunal, its Assistant, the Secretary of the Tribunal and the Parties shall download the Electronic Hearing Bundle from the BOX case folder into their own devices to have access to it offline during the remote Hearing. The service provider, the court reporter and the interpreters will also be provided a copy of the Electronic Hearing Bundle via the ICSID Secretariat.
23. The Parties shall also distribute the Electronic Hearing Bundle in a USB to be sent by courier no later than **16 July 2021** directly to: (i) each Member of the Tribunal; (ii) the Assistant to the Tribunal and (iii) the Secretary of the Tribunal (to addresses to be communicated by the ICSID Secretariat in due course). The USB shall contain the hyperlinked version of the index.

## **2. Electronic Hearing Bundle for Cross-Examination**

24. During cross-examination, the Parties will refer to exhibits and legal authorities that already form part of the record of the case.
25. The witness and experts are entitled to be shown a full copy of any exhibit or authority on which they will be questioned (*i.e.*, they are not restricted to reviewing excerpts of documents shown on screen), provided that witnesses should not take excessive time to review parts of documents on which they are not being questioned.
26. To this effect, each Party shall prepare abridged hyperlinked indices to serve as cross-examination bundles, to be provided to the Tribunal, its Assistant, the Secretary of the Tribunal, the service provider, the interpreters and court reporters, and to the other Party and the Witness/Expert at a minimum 1.5 hours before the relevant cross-examination.

**3. Demonstrative Exhibits**

27. Demonstrative exhibits shall be used in accordance with Section 16.8 of PO1 (reproduced below), with certain adjustments indicated in paragraph 28 *infra*:

16.8. Demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc.) may be used at any hearing, provided they contain no new evidence. Each party shall number its demonstrative exhibits consecutively and indicate on each demonstrative exhibit the number of the document(s) from which it is derived. The party submitting such exhibits shall provide them in electronic and hard copy to the other party, the Tribunal Members, the Tribunal Secretary, the court reporter(s) and interpreter(s) at the Hearing at a time to be decided at the pre-hearing organizational meeting.

28. To account for the virtual nature of the Hearing: (i) no hard copy submission of PowerPoints or demonstratives is required; and (ii) an electronic copy of each PowerPoint or demonstrative shall be distributed by the Party intending to use it *via* an electronic mail sent to the entire case email distribution for each Party, the Secretary of the Tribunal, the Members of the Tribunal, its Assistant, to the court reporter and to the interpreters as necessary no later than one hour *prior* to its use, in order to facilitate offline access to the PowerPoint or demonstrative by the Hearing participants.<sup>1</sup> This will enable participants to print the PowerPoint or demonstrative if desired. It is advisable to transmit the PowerPoint or demonstrative exhibits to the members of the Tribunal, its Assistant and the ICSID Secretary with more than one hour's notice. The Tribunal shall issue directions as it considers appropriate in the event that a PowerPoint or demonstrative introduces evidence not on the record or inaccurately reflects material on the record.

29. In addition, promptly after the conclusion of the Hearing day in which the corresponding PowerPoint or demonstrative exhibit is used, the Parties shall upload such demonstrative to the case folder in the BOX filesharing platform, designating each with the corresponding CD-\_\_ or RD-\_\_ number.

**4. Electronic Presentation of Evidence**

30. Hearing participants are advised to have the Electronic Hearing Bundle and any demonstrative exhibit previously distributed in accordance with paragraphs 26 and 28 *supra* downloaded into their own devices and available for access offline.

---

<sup>1</sup> Please submit in editable PDF format.

31. Demonstrative exhibits and clean, unannotated electronic copies of documents on the record may be displayed to all Hearing participants via the Zoom videoconference platform using the screen-sharing function or with the assistance of the technical support of FTI at the Parties' choosing. Any Hearing participant shall have the technical ability to display a document to all Hearing participants via Zoom, and such person need not be an active speaker. The Hearing participant displaying the document will be the only one with the ability to scroll through the document being displayed. The Parties are advised to limit their use of this function, to minimize pressure on the internet bandwidth and on the stability of the connection.
32. Subject to Section 16.3 of PO1, documents that do not form part of the record may not be presented at the Hearing.

**F. WITNESS AND EXPERT EXAMINATION**

33. The rules set out in PO1 for the examination of witnesses and experts are confirmed. In particular, the examination and cross-examination will proceed in accordance with Sections 18.4 – 18.7 of PO1, which read as follows:
  - 18.4. Fact witnesses and experts shall be examined by each party under the control of the Tribunal. The Tribunal may examine the fact witness or expert at any time during the Hearing. Fact Witnesses and experts shall make a declaration of truthfulness.
  - 18.5. Direct examination is given in the form of witness statements and expert reports. However, the party presenting the fact witness or expert may conduct a brief direct examination at the Hearing, limited to the content of their corresponding witness statement or expert report. Absent a different ruling from the Tribunal at pre-hearing organizational meeting:
    - 18.5.1. Fact witnesses' direct examination shall not last more than 15 minutes.
    - 18.5.2. Expert witnesses may provide a presentation of the key points of their respective reports either directly and/or through direct examination for no longer than 30 minutes.
  - 18.6. Any witness called for direct examination may be cross examined by the other party and questioned by the Tribunal.
  - 18.7. The fact witness or expert may be cross-examined on the contents of the witness statement or expert report, the fact witness or expert's credibility and on documents or facts that, despite not being addressed in his or her witness statement or expert report, are documents or facts about which the



Procedural Order No. 6

witness has first-hand or personal knowledge, or issues on which the expert should reasonably be able to provide an opinion. Re-direct examination shall be limited to the issues raised during cross-examination

34. A party may make a reasoned application for re-cross examination, which the Tribunal may grant at its discretion.
35. No person shall be present in the room with the testifying witness or expert during that witness's or expert's testimony and examination. Subject to this Paragraph 34, nothing shall prevent either Party from having counsel, witnesses, and experts convening in the same premises for the Hearing.
36. Any communications by or with the witness or expert during their examination are prohibited.
37. Each witness and expert shall affirm at the start of the examination that he or she will not receive or provide communications of any sort during the course of his or her examination. Witnesses subject to sequestration shall also affirm that they have not attended, watched a recording, or read the transcripts of the Hearing prior to their examination.
38. The witness or expert shall remain visible at all times during the examination. The witness or expert will be connected to the Hearing waiting room 30 minutes before his/her examination to ensure that s/he is available in time to be brought into the Hearing Room. During the breaks, the witness or expert will be taken to a virtual waiting room.
39. The witness or expert shall not use a "virtual background" or in any way prevent or limit the recording of the remote venue from which he or she is testifying.
40. The Tribunal shall have the authority at any time during the examination of a witness to request the witness to reorient their camera, whether to provide a better angle, lighting, or to verify the surroundings or any materials available to the witness.
41. The witness or expert shall be able to view the Tribunal Members, the attorneys conducting the examination, and documents presented by the examining attorney through the Zoom platform/uploaded onto BOX or in printed form, if desired. The witness or expert shall have a hard copy of their witness statement or expert report before them, including all exhibits thereto. The witness or expert shall not have access to any other documents, notes, information, or materials of any kind (whether in hard copy or electronic form).

Procedural Order No. 6

42. Experts shall have access to the real-time live transcript before, during, and after their examination. Subject to paragraph 43 below, witnesses shall have access to the real-time live transcript only during and after their examination.
43. Section 18.8 of PO1 with respect to sequestration is confirmed. Witnesses shall be sequestered prior to giving testimony but shall be allowed to observe the hearing after testifying. Experts shall not be sequestered and shall be allowed to observe the hearing at any time.
44. Witnesses who are party representatives will not be sequestered. Only one witness can be designated as a party representative.
45. The sequence of Witnesses and Experts shall be determined at a later stage and shall be reflected in the agenda, a template of which is included at Annex A.

**G. AUDIO AND VIDEO RECORDING**

46. The provision of Section 21.1 of PO1 concerning audio recording (reproduced below) apply.

21.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the parties and the Tribunal Members.

47. The service provider shall record the Hearing, and the audio recording will be shared with the Parties and the Tribunal at the conclusion of the Hearing.
48. A video recording will also be made of the Hearing but will not be made public or become part of the record of this arbitration. The video recording may be made available if requested and upon authorization by the Tribunal for transcript verification purposes. The Tribunal also may refer to the video recording, as it deems necessary.
49. Except for the court reporters that will do an audio recording of the Hearing, the Tribunal and the Parties agree that the attendees will not otherwise record, *via* audio, video or screenshot the Hearing or any part of it.

**H. TRANSCRIPTION**

50. The provisions of PO1, Section 21.2 concerning transcription (reproduced below) apply, with the adjustments indicated in paragraph 51 *infra*.

Procedural Order No. 6

21.1. Verbatim transcripts in the procedural languages shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the parties or ordered by the Tribunal, the verbatim transcripts shall be available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the parties and the Tribunal on a same-day basis.

51. Real-time court reporting in English and Spanish shall be made available to the Hearing Participants via an online link connection to be provided by the English and the Spanish court reporters. Hearing Participants shall connect to the transcript by opening this link in a browser window separate from the Zoom browser window. The details (link, password) and instructions to connect to the streamed transcripts shall be provided by the ICSID Secretariat to the Hearing Participants before the start of the Hearing day.
52. The names of the court reporters providing transcription services will be advised by ICSID in due course. The court reporters may seek to clarify the record from time to time during the course of the hearing.
53. Participants are recommended to access the remote real-time transcript on a laptop or iPad separate from the device used for Zoom. The Tribunal directs the testing of the real-time transcription platform. That platform shall be used during trials of the Zoom platform as far as possible.
54. Pursuant to Section 21.3 of PO1, the Parties shall agree on any corrections to the transcripts within 40 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter after receiving the correction from the Parties (“Revised Transcripts”). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the Parties in the Revised Transcripts.

**I. INTERPRETATION**

55. ICSID has arranged English/Spanish simultaneous interpretation.
56. The interpreters will provide the interpretation remotely using the Zoom platform.
57. Each participant should select a language channel when connecting to the Hearing (English, Spanish, or floor language). Once a language selection is made, it is highly recommended that the Participant only use that language and avoid switching interpretation channels.

Procedural Order No. 6

58. Participants should speak slowly, one person at a time, and should pause briefly when handing the floor to another participant.
59. Each speaker should, insofar as possible, circulate any speaking notes to the interpreters prior to the start of each intervention. These notes should be emailed directly to the interpreters (email addresses to be circulated in due course in **Annex B**) and are to be treated as confidential information.

**J. CONFIDENTIALITY**

60. In accordance with Section 20.6 of PO1, the Hearing shall be closed to the public. However, provisions shall be made for representatives of the other NAFTA Parties to attend the Hearing upon request.

**K. POST-HEARING SUBMISSIONS**

61. At the end of the Hearing, the Tribunal may consult with the Parties to determine the desirability of Post-Hearing Briefs on particular issues or questions.
62. No additional evidence may be produced with the Post-Hearing Briefs except with leave from or at the request of the Tribunal in exceptional circumstances.
63. The Tribunal may limit any Post-Hearing Briefs in scope and length.
64. Should the Tribunal have remaining questions to pose to the Parties after conclusion of the Hearing, it shall submit them to the Parties in writing within 14 days following conclusion of the Hearing. The Parties shall respond in writing to any such questions together with their simultaneous Post-Hearing Submissions.

**L. VIRTUAL HEARING ARRANGEMENTS**

65. The following procedures shall be followed in order to ensure the good conduct of the remote hearing:

**1. Testing**

66. The Pre-Hearing Test Run Video Conference shall be held on **Tuesday, 20 July 2021 at 8:00 a.m. Mexico City / 9:00 a.m. Washington, D.C. / 3:00 p.m. Brussels** to verify the proper functioning of the video conference system. All participants shall strive to replicate the conditions under which they will participate in the Hearing:

Procedural Order No. 6

- (a) To the extent possible, at least one participant per device or connection to be used at the Hearing should attend the pre-Hearing videoconference;
- (b) Should testing all connections require witnesses to participate personally in the pre-Hearing videoconference, the Tribunal initially will limit discussions to introductions and technical matters, with any procedural matters to be discussed subsequently after all witnesses have been excused;
- (c) To the extent possible, each participant should join the pre-Hearing videoconference with the same device(s) and internet connection and from the same physical location that they intend to use for the Hearing;
- (d) Participants will follow the same identification procedure as for the Hearing itself (see ¶ 69 below);
- (e) The pre-Hearing test run videoconference shall include a test of each of the functions of the video conference platform that is intended to be used during the Hearing (e.g., muting and unmuting, presentation of evidence, breakout rooms, access to documentary record, transcript, interpretation);
- (f) The Parties shall not address the substance of any matter scheduled for discussion at the Hearing but may raise before the Tribunal any procedural issues pertaining to the organization of the Hearing.

67. In addition to the Pre-Hearing Test Run Video Conference, the Parties are invited to undertake at least one further technical test with the Secretariat or FTI in advance of the Hearing. The Tribunal notes that the Secretariat recommends a minimum of two tests for each site that will connect to the Hearing, and for as many Hearing participants as possible to connect for each test.

## 2. Participants

68. Each Party shall provide its respective List of Hearing Participants (“List of Participants”) by **16 July 2021**, using the format provided in **Annex B**. Each Party shall designate those participants that will have an active speaking role (“**Active Participants**”), and those who will be passive attendees (“**Passive Participants**”).

Procedural Order No. 6

69. For ease of identification, participants shall join the videoconference using the naming convention indicated in the format in **Annex B**, namely, first and last name preceded by [C] (for Participants for Claimant), [R] (for Participants for Respondent), [E] (for experts), [W] (for witnesses). Should there be participants joining from a common conference room, the conference room connection may be identified as “[C] [R] Conference Room #” as appropriate.
70. Participants will join the videoconference through a “waiting room” to be managed by the external service provider retained for the hosting and technical support of the remote Hearing.
71. Access to the videoconference shall be restricted to those included in the List of Participants. Should any non-listed participant attempt to connect to the videoconference, the technical operator hosting the meeting will alert the Secretary of the Tribunal, and the Tribunal will promptly address the matter with the Parties. All participants in the Hearing bear an ongoing duty to warn of the presence of any other person on the videoconference.
72. Participants shall join the videoconference 30 minutes in advance of the start on each day to facilitate the identification and to address any technical contingencies.

**3. Connectivity**

73. The Parties shall ensure that each of their representatives, witnesses and experts is able to connect to the videoconference through a stable internet connection offering sufficient bandwidth and using a camera and microphone/headset of adequate quality.
74. If available, participants are encouraged to use a wired Ethernet connection instead of Wi-Fi. Participants are also strongly encouraged to keep available a smartphone or tablet, having a 4G data connection and mobile hotspot functionality, as a backup internet connection at all times during the Hearing, fully tested in advance.
75. The videoconference platform will also offer a dial-in telephone audio connection as a backup option should a non-active participant experience a temporary technical difficulty with a computer online connection. The Parties are advised that the dial-in back up telephone connection provides access to the “floor” audio channel only, not to the interpretation channels.

**4. Equipment and Set Up**

76. For optimum sound quality, especially for the audio recording and the transcription, ICSID highly recommends that the main speakers use an external microphone connection such as a headset through the USB or “mic” jack of the computer or laptop that they use for the Zoom videoconference. If not available, Active Participants are asked to speak close to the microphone.
77. Hearing participants are encouraged to have at least two screens, and preferably three (it can be one device with multiple screens or a combination of devices including tablets) to facilitate simultaneous viewing of: (i) the Zoom video connection; (ii) the online Real-time transcript; and (iii) offline documents.

**5. Videoconference Etiquette**

78. Once admitted to the videoconference, and barring technical issues or other exceptional circumstances, lead counsel and Party representatives should remain connected throughout the Hearing day.
79. The Parties are advised to keep the number of video connections to a minimum, and to Active Participants only. Passive Participants should join the meeting through their computer but connecting only their audio (i.e. turning their video off).
80. Participants shall use the “mute microphone” function when not speaking to reduce background noise and to avoid interference with the audio recording. The service provider serving as host of the videoconference shall have the ability to mute Participants if needed to avoid background noise, under the Tribunal’s control.
81. To facilitate the accurate transcription and interpretation, speakers are advised to speak at a reasonable speed and with pauses between phrases.
82. Participants are advised to join the Hearing from a location without background noise and with adequate lighting. Participants joining via video shall avoid sitting with a window or source of light behind them.

**6. Break-Out Rooms**

83. Break-out rooms separate from virtual Hearing Room, to be used securely by each Party and the Tribunal during breaks, will be arranged by FTI on the Zoom platform.

Procedural Order No. 6

84. During the designated Hearing breaks, the Parties will be assigned to breakout rooms within the videoconference platform to enable all participants to reconvene promptly following breaks.
85. The List of Participants (**Annex B**) shall indicate the break-out room to which participants shall be assigned, with [C] for the Claimant's break out room, [R] for the Respondent's break out room. Should there be a break in the course of a given witness or expert examination, the testifying witness/expert will be isolated in a separate break out room identified as [W/E].
86. Each Party will make its own separate arrangements for private communication within its team during the Hearing by instant messenger or other appropriate means. The Zoom built-in chat function will be disabled, except for communications with the technical service provider acting as Zoom operator.

For and on behalf of the Tribunal,

[Signed]

---

Prof. Albert Jan van den Berg  
President of the Tribunal  
Date: 4 June 2021



**ANNEX A**  
**Hearing Agenda**

**Day 1: [date]**

<i>Hour</i>	<i>Duration</i>	<b>PROCEDURAL STEP</b>
<b>00:00 AM/PM</b>	<b>(# hours/min.)</b>	
		<b>Break</b>
		<b>Break</b>
		<b>Break</b>
		<b>End</b>

**Day 2: [date]**

<i>Hour</i>	<i>Duration</i>	<b>PROCEDURAL STEP</b>
<b>00:00 AM/PM</b>	<b>(# hours/min.)</b>	
		<b>Break</b>
		<b>Break</b>
		<b>Break</b>
		<b>End</b>

**Day 3: [Date]**

<i>Hour</i>	<i>Duration</i>	<b>PROCEDURAL STEP</b>
<b>00:00 AM/PM</b>	<b>(# hours/min.)</b>	

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

Procedural Order No. 6

		<b>Break</b>
		<b>Break</b>
		<b>Break</b>
		<b>End</b>

**Day 4: [Date]**

<i>Hour</i>	<i>Duration</i>	<b>PROCEDURAL STEP</b>
<b>00:00 AM/PM</b>	<b>(# hours/min.)</b>	
		<b>Break</b>
		<b>Break</b>
		<b>Break</b>
		<b>End</b>

**Day 5: [Date]**

<i>Hour</i>	<i>Duration</i>	<b>PROCEDURAL STEP</b>
<b>00:00 AM/PM</b>	<b>(# hours/min.)</b>	
		<b>Break</b>
		<b>Break</b>
		<b>Break</b>

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

---

Procedural Order No. 6

		<b>End</b>

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

Procedural Order No. 6

**ANNEX B**  
**LIST OF PARTICIPANTS<sup>2</sup>**

**TRIBUNAL**

<b>TRIBUNAL</b>					
<b>Room</b>	<b>Name</b>	<b>Role</b>	<b>Affiliation to Case</b>	<b>Location of Connection</b>	<b>Personal Contact (Optional)</b>
T	[T] – Name Last name	A	President	Office [City]	Email: Phone:
T	[T] –	A	Co-arbitrator	Office [City]	Email: Phone:
T	[T] –	A	Co-arbitrator	Home [City]	Email: Phone:

**SECRETARY OF THE TRIBUNAL**

<b>SECRETARY OF THE TRIBUNAL</b>					
<b>Room</b>	<b>Name</b>	<b>Role</b>	<b>Affiliation to Case</b>	<b>Location of Connection</b>	<b>Personal Contact</b>
T	[T] – Name Last name	A	Secretary of the Tribunal	Home [City]	Email: Phone:

**ASSISTANT TO THE TRIBUNAL**

<b>ASSISTANT TO THE TRIBUNAL</b>					
<b>Room</b>	<b>Name</b>	<b>Role</b>	<b>Affiliation to Case</b>	<b>Location of Connection</b>	<b>Personal Contact</b>
T	[T] – Name Last name	A	Assistant to the President	Office [City]	Email: Phone:

---

<sup>2</sup> Use “A” (Active Participants) / “P” (Passive Participants). Only participants marked as “A” will activate their cameras during the Hearing.

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

Procedural Order No. 6

CLAIMANT(S)					
Room <sup>3</sup>	Name	Role	Affiliation to Case	Location of Connection	Personal Contact
	<b><i>Counsel:</i></b>				
C	[C] – Name Last name	A		Room [Firm] [C] [City]	Email: Phone:
C	[C] –	A		Room [Firm] [C] [City]	Email: Phone:
C	[C] –	A			Email: Phone:
	<b><i>Party Representative:</i></b>				
C	[C] – Name Last name	P		Home [C] []	
	<b><i>Witnesses:</i></b>				
W	[W] – Name Last name	A			
	<b><i>Experts:</i></b>				
C	E	[E] – Name Last name	A		

RESPONDENT					
Room <sup>4</sup>	Name	Role	Affiliation to Case	Location of Connection	Personal Contact
	<b><i>Counsel:</i></b>				

<sup>3</sup> Witnesses [W] and Experts [E] called to testify will be assigned to the waiting room W/E during their cross-examination. Experts [E] will be assigned to Waiting Room [C] if they are present during any other time.

<sup>4</sup> Witnesses [W] y Experts [E] called to testify will be assigned to Waiting Room W/E during their cross-examination. Experts [E] will be assigned to Waiting Room [R] if they are present during any other time.

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

Procedural Order No. 6

R	[R] – Name Last name	A		Room [Firm] # 1 [R] [Washington, DC]	Email: Phone:
R	[R] – Name Last name	A		Room # 1 [R] [Washington, DC]	
	<b><i>Party Representatives:</i></b>				
R	[R] – Name Last name	P		Home [R] []	
R	[R] – Name Last name	P		Home [R] []	
	<b><i>Witnesses:</i></b>				
W	[W] – Name Last name	A			
	<b><i>Experts:</i></b>				
R	E	[E] – Name Last name	A		

**COURT REPORTERS**

Room	Name and Contact	Role	Affiliation	Location of Connection
N/A	[TRA] – Name Lastname [Email/Phone]	P		[City]
N/A		P		

**INTERPRETERS**

Room	Name and Contact	Role	Affiliation to Case	Location of Connection
N/A	[INT] – Name Lastname [Email/Phone]	P	Interpreter	[City]
N/A		P	Interpreter	[City]

*Legacy Vulcan, LLC v. United Mexican States*  
(ICSID Case No. ARB/19/1)

---

Procedural Order No. 6

N/A		P	Interpreter	[City]
-----	--	---	-------------	--------

TECHNICAL SUPPORT STAFF				
Room	Name	Role	Affiliation to Case	Location of Connection
N/A	[IT] – Name Lastname [Email]	P	FTI	FTI
N/A		P	Paralegal, ICSID	Home [City]
N/A		P	IT FROM THE LAW FIRM	Room [Firm] # 1 [C] [City]
N/A		P		Room [Firm] # 1 [R] [City]