

**IN THE MATTER OF AN ARBITRATION UNDER THE
NORTH AMERICAN FREE TRADE AGREEMENT**

- and -

**THE ARBITRATION RULES OF THE
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (1976)**

- between -

Alicia Grace; Ampex Retirement Master Trust; Apple Oaks Partners, LLC; Brentwood Associates Private Equity Profit Sharing Plan; Cambria Ventures, LLC; Carlos Williamson-Nasi in his own right and on behalf of Axis Services, Axis Holding, Clue and F. 305952; Carolyn Grace Baring; Diana Grace Beard; Floradale Partners, LLC; Frederick Grace; Frederick J. Warren; Frederick J. Warren IRA; Gary Olson; Genevieve T. Irwin; Genevieve T. Irwin 2002 Trust; Gerald L. Parsky; Gerald L. Parsky IRA; John N. Irwin III; José Antonio Cañedo-White in his own right and on behalf of Axis Services, Axis Holding and F. 305952; Nicholas Grace; Oliver Grace III; ON5 Investments, LLC; Rainbow Fund, L.P.; Robert M. Witt; Robert M. Witt IRA; Vista Pros, LLC; Virginia Grace

Claimants

v.

The United Mexican States

Respondent

PROCEDURAL ORDER NO. 13

**ON THE RESPONDENT'S REQUEST FOR AN EXTENSION OF THE DEADLINE FOR
THE FILING OF THE REJOINER**

Tribunal

Prof. Diego P. Fernández Arroyo, President

Mr. Andrés Jana Linetzky, Arbitrator

Mr. Gabriel Bottini, Arbitrator

Secretary of the Tribunal

Ms. Patricia Rodríguez Martín

June 15, 2021

I. Procedural Background

1. On 7 June 2021, the Respondent sent a communication to the Tribunal requesting a 10-week extension of the deadline for the submission of its Rejoinder.
2. On 8 June 2021, the Tribunal invited the Claimants to comment on the Respondent's request, no later than 11 June 2021.
3. On 11 June 2021, the Claimants submitted a letter objecting to the Respondent's request for an extension. However, the Claimants suggested that, in case the Tribunal and the Parties agreed to hold the hearing on the merits in 2021, they would not object to a short two-week extension of the deadline for the filing of the Rejoinder.

II. The Tribunal's Analysis

4. The Tribunal has analyzed all of the Parties' arguments in relation to the adjustments of the Procedural Calendar and has taken note of their diverging views in this respect.
5. In the Tribunal's view, some of the arguments put forward by the Respondent in its request for an extension accurately reflect what has happened in this arbitration. In particular, the extension of the Reply Memorial and the number of accompanying documents submitted by the Claimants justify an extension of the deadline for the filing of the Rejoinder.
6. However, to determine exactly how much extension should be granted, the Tribunal must take into account the need to ensure procedural equality and the fact that, given that the request concerns the last submission of the case, there is no possibility to confer a similar extension to the Claimants.
7. Considering the above, the Tribunal is of the view that a 14-day extension for the filing of the Rejoinder is in order and sets the deadline at **5 July 2021**.
8. As a result of this adjustment, the Tribunal must also modify the dates for the filing of the Article 1128 submissions and the Parties' comments thereon, which are set at 17 August and 31 August 2021 respectively.
9. The Tribunal notes that the Claimants have accepted such an extension, albeit subjecting their consent to the condition that the hearing be held in December 2021. Unfortunately, the Tribunal is not available before the agreed hearing dates (25 to 29 April 2022).

III. Order

10. For the above reasons, the Tribunal grants a two-week extension for the Respondent to file its Rejoinder, which must be filed no later than **5 July 2021**. Consequently, the Procedural Calendar is adjusted as follows:

Procedural Step	Date
Rejoinder	5 July 2021
Witness Notifications (Claimants and Respondent)	16 August 2021
1128 Submissions (Non-disputing NAFTA parties)	17 August 2021
Comments to 1128 Submissions (Claimants and Respondent)	31 August 2021
Pre-Hearing Organizational Meeting (if necessary) (Tribunal, Claimants, Respondent)	At least six weeks before the Hearing [<i>Date to be determined</i>]
Hearing on the Merits (Tribunal, Claimants, Respondent)	25-29 April 2022

On behalf of the Tribunal,

[Signed]

Professor Diego P. Fernández Arroyo
 President of the Tribunal
 Date: June 15, 2021
 Seat of the arbitration: Toronto, Canada