

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Riverside Coffee, LLC

v.

Republic of Nicaragua

(ICSID Case No. ARB/21/16)

PROCEDURAL ORDER No. 5

Members of the Tribunal

Dr. Veijo Heiskanen, President of the Tribunal

Mr. Philippe Couvreur, Arbitrator

Ms. Lucy Greenwood, Arbitrator

Secretary of the Tribunal

Ms. Ana Constanza Conover Blancas

17 January 2023

Procedural Order No. 5

I. PROCEDURAL BACKGROUND

1. On 27 June 2022, the Tribunal issued Procedural Order No. 1 which set out the procedural rules that govern this arbitration and indicated that the applicable procedural calendar would be established in a subsequent procedural order. On 1 July 2022, upon receipt of the parties' comments on the procedural timetable, the Tribunal issued Procedural Order No. 2, setting out the applicable procedural calendar.
2. On 29 December 2022, the Respondent requested an extension of time of four weeks, until 10 March 2023, of the time limit to submit its Counter-Memorial, which was scheduled for 10 February 2023. On 4 January 2023, following an invitation from the Tribunal, the Claimant filed observations on the Respondent's extension request. Further communications from the parties on this matter were received on 4 and 5 January 2023. On 5 January 2023, the Tribunal informed the parties that it did not consider that any further correspondence on the Respondent's request was required, and that the Tribunal would proceed to rule on the request based on the record before it.
3. On 6 January 2023, having considered the parties' positions, the Tribunal granted the Respondent a three-week extension of time to submit its Counter-Memorial, *i.e.*, until 3 March 2023. The Tribunal invited the Parties to confer and seek agreement, by 13 January 2023, on any further adjustments to the procedural calendar, which in any event should maintain the previously agreed hearing dates.
4. By emails of 13 January 2023, the parties informed the Tribunal that they had reached agreement on the adjustments to the procedural calendar and attached for the Tribunal's consideration proposed amendments to Annex A of Procedural Order No. 2.
5. The Tribunal approves the parties' proposed amendments to the procedural calendar and issues this Procedural Order No. 5, setting out the revised dates of the procedural calendar for this arbitration.

Procedural Order No. 5

II. ORDER

6. In light of the above, the Tribunal hereby orders that the procedural calendar attached as Annex A to this procedural order apply in this arbitration.

On behalf of the Tribunal,

[Signed]

Dr. Veijo Heiskanen
President of the Tribunal
Date: 17 January 2023

Procedural Order No. 5

Annex A

Procedural Calendar

Description	Party / Tribunal	Time Period	Date
Memorial on the Merits	Claimant	Following the date of issuance of a Procedural Order confirming the procedural calendar + 16 weeks	21 October 2022
Counter-Memorial on the Merits and Memorial on Jurisdiction	Respondent	+ 19 weeks	3 March 2023
Document Production Phase			
Request for Production of Documents	Parties	+ 6 weeks	14 April 2023
Production of Non-Contested Documents, and/or Objections to Requests for Production of Documents	Parties	+ 3 weeks from Request	5 May 2023
Reply to Objections to the Request for Production of Documents – Sent to the Tribunal	Parties	+ 2 weeks from Request	19 May 2023
Decision on Objections to Request for Production of Documents	Tribunal	+2 weeks from Objections	2 June 2023
Production of Documents Ordered by the Tribunal	Parties	+ 1 week	9 June 2023
From the end of the production phase if so ordered			
Reply on the Merits and Counter-Memorial on Jurisdiction	Claimant	+ 15 weeks	22 September 2023

Procedural Order No. 5

Description	Party / Tribunal	Time Period	Date
Rejoinder on the Merits and Reply on Jurisdiction	Respondent	+ 12 weeks	15 December 2023
Rejoinder on Jurisdiction	Claimant	+ 12 weeks	8 March 2024
Non-disputing party submission(s) under Article 10.20(2) DR-CAFTA, if any; and applications for leave to file <i>amici curiae</i> submissions under Article 10.20(3), if any	TBD	+1 week	15 March 2024
Comments on non-disputing party submission(s) under Article 10.20(2) DR-CAFTA, if any; and comments on applications for leave to file <i>amici curiae</i> submissions under Article 10.20(3), if any	Claimant and Respondent	+3 weeks	5 April 2024
Decision on applications for leave to file <i>amici curiae</i> submissions under Article 10.20(3), if any	Tribunal	+1 week	12 April 2024
Deadline to file <i>amici curiae</i> submissions under Article 10.20(3), if any	Non-disputing parties	+1 week	19 April 2024
Comments on <i>amici curiae</i> submissions under Article 10.20(3), if any	Claimant and Respondent	+2 weeks	3 May 2024
Notification of Witnesses/Experts for Cross-Examination	Parties	No less than 8 weeks prior to the hearing	10 May 2024
Call of Witnesses/Experts not Called by the Parties, if any	Tribunal	+ 1 week after the Notification of Witnesses/Experts for Cross-Examination by the Parties	17 May 2024

Procedural Order No. 5

Description	Party / Tribunal	Time Period	Date
Pre-Hearing Organizational Meeting	Parties and Tribunal (or President)	No less than one month prior to the hearing	29 May 2024 tentatively
Hearing on Jurisdiction and Merits	All	At the earliest 6 weeks after the filing of the last written submission.	1 – 12 July 2024
Post-Hearing Briefs	Parties	TBD	
Statements on Costs	Parties	TBD	
Award	Tribunal	TBD	