

February 13, 2017

By email

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**Re: Aaron C. Berkowitz, Brett E. Berkowitz and Trevor B. Berkowitz v.
Republic of Costa Rica (UNCT/13/2)**

Dear Mesdames and Sirs,

I write to you as instructed by the President of the Tribunal. The Tribunal has received the Respondent's 8 February 2017 response to the Claimants' application, dated 25 January 2017, to stay these proceedings. Having held a preliminary deliberation on the matter, the Tribunal has concluded that there is no need to seek the views of the Claimants on the Respondent's application that the Tribunal order the Claimants to withdraw their request that the District Court stay the arbitral proceedings pending the outcome of their motion. The Tribunal considers that the Respondent's application for such an order cannot be sustained. Such rights as the Claimants may have, or claim, before the U.S. District Court for the District of Columbia are for the District Court



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to address, not for this Tribunal. The Respondent's application for a order requiring the withdrawal of the Claimants' application for a stay is therefore rejected.

The Tribunal will deliberated further on the matter of the Claimants' application to stay its proceeding. It will hand down its decision on this matter by no later than 28 February 2017, if not sooner.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Anneliese Fleckenstein". The signature is written in a cursive style and is positioned below the text "Yours sincerely,".

Anneliese Fleckenstein
Secretary of the Tribunal

cc:

Members of the Tribunal