

PCA Case No. 2016-17

**IN THE MATTER OF AN ARBITRATION UNDER THE DOMINICAN REPUBLIC-
CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT,
SIGNED ON AUGUST 5, 2004 (“CAFTA-DR”)**

– and –

**THE UNCITRAL ARBITRATION RULES (AS ADOPTED IN 2013)
(the “UNCITRAL Rules”)**

– between –

MICHAEL BALLANTINE AND LISA BALLANTINE

(the “Claimants”)

– and –

THE DOMINICAN REPUBLIC

(the “Respondent”, and together with the Claimants, the “Parties”)

PROCEDURAL ORDER NO. 3

Tribunal

Prof. Ricardo Ramírez Hernández (Presiding Arbitrator)
Ms. Marney L. Cheek
Prof. Raúl Emilio Vinuesa

May 17, 2017

1. On April 21, 2017, the Tribunal issued Procedural Order No. 2 rejecting the Respondent's request for bifurcation and confirmed that the proceedings shall continue in accordance with the procedural calendar set forth in Annex 1 of Procedural Order No. 1.
2. By letter dated April 24, 2017, the Respondent requested an extension of three weeks for the submission of its Statement of Defense and Objections to Jurisdiction (the "**Request**") and set out the corresponding changes to the procedural calendar. The Respondent informed the Tribunal that the Claimants had concurred in the proposed extension.
3. By e-mail of April 25, 2017, the Claimants were invited to confirm whether they did concur with the proposed extension and changes to the procedural calendar.
4. By e-mail of the same date, the Claimants informed the Tribunal that they were agreeable to the Respondent's requested extension as a scheduling matter but noted that they did not necessarily agree with Respondent's rationale supporting its Request.
5. By e-mail of April 26, 2017, the Tribunal confirmed to the Parties that, in light of the Claimants' agreement to the Respondent's extension request, it granted the extension requested and the adoption of the modified procedural calendar as proposed by the Respondent in its letter dated April 24, 2017. For the sake of good order, an amended Procedural Calendar including the revised dates is enclosed herewith as Annex 1.

Place of Arbitration: Washington, D.C., United States of America



Ricardo Ramírez Hernández
(Presiding Arbitrator)

On behalf of the Tribunal

Annex 1: Procedural Calendar

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
<i>Initial Phase</i>		
[...]		
Respondent’s Statement of Defense/Counter-Memorial, including any objection to the Tribunal’s jurisdiction and/or counterclaim	THURSDAY, MAY 4, 2017 (<i>i.e.</i> , four months from deadline for Amended Statement of Claim)	THURSDAY, MAY 25, 2017
Written submissions from “non-disputing Parties” and notification of their wish to present oral submissions to the Tribunal, both regarding the interpretation of the CAFTA-DR, pursuant to Article 10.20(2) of the Treaty. Any submission or notification made pursuant to said Article shall be made in conformity with section 10 of the Terms of Appointment.	MONDAY, JUNE 5, 2017 ¹ (<i>i.e.</i> , one month from deadline for Statement of Defense)	MONDAY, JUNE 26, 2017 ² (<i>i.e.</i> , one month from deadline for Statement of Defense)
<i>Document Production</i>		
Requests for document production to the other Party	THURSDAY, MAY 18, 2017 (<i>i.e.</i> , two weeks from deadline for Statement of Defense)	THURSDAY, JUNE 8, 2017 (<i>i.e.</i> , two weeks from deadline for Statement of Defense)
Objections to production	THURSDAY, JUNE 1, 2017 (<i>i.e.</i> , two weeks from deadline for requests for document production)	THURSDAY, JUNE 22, 2017 (<i>i.e.</i> , two weeks from deadline for requests for document production)
Production of documents where no objection is made	THURSDAY, JUNE 8, 2017 (<i>i.e.</i> , three weeks from deadline for requests for document production)	THURSDAY, JUNE 29, 2017 (<i>i.e.</i> , three weeks from deadline for requests for document production)

¹ The precise date falling one month from the Respondent’s Statement of Defense would be Sunday, June 4, 2017. The deadline has been extended one day so that it falls on a business day.

² The precise date falling one month after the Respondent’s Statement of Defense would be Sunday, June 25, 2017. The deadline has been extended one day so that it falls on a business day.

Replies to objections to production	THURSDAY, JUNE, 8 2017 (<i>i.e.</i> , one week from deadline for objections to production)	THURSDAY, JUNE, 29 2017 (<i>i.e.</i> , one week from deadline for objections to production)
Reasoned applications for an order on production of documents, in the form of a Redfern Schedule (Annex 2 of Procedural Order No. 1)	MONDAY, JUNE 12, 2017 (<i>i.e.</i> , 1.5 week from deadline for objections to production)	MONDAY, JULY 3, 2017 (<i>i.e.</i> , 1.5 week from deadline for objections to production)
Tribunal's decision on document production	MONDAY, JUNE 26, 2017 (<i>i.e.</i> , two weeks from deadline for application)	MONDAY, JULY 17, 2017 (<i>i.e.</i> , two weeks from deadline for application)
Production of remaining documents	MONDAY, JULY 10, 2017 (<i>i.e.</i> , two weeks from Tribunal's decision)	MONDAY, JULY 31, 2017 (<i>i.e.</i> , two weeks from Tribunal's decision)

Written Pleadings

Claimants' Reply	MONDAY, SEPTEMBER 11, 2017 (<i>i.e.</i> , two months from production of remaining documents)	MONDAY, OCTOBER 2, 2017 ³ (<i>i.e.</i> , two months from production of remaining documents)
Respondent's Rejoinder	MONDAY, DECEMBER 11, 2017 (<i>i.e.</i> , three months from deadline for Claimant's Reply)	MONDAY, JANUARY 2, 2017 (<i>i.e.</i> , three months from deadline for Claimant's Reply)
Claimants' Rejoinder on Jurisdiction (<i>if any</i>)	DATE TO BE DETERMINED BY THE TRIBUNAL AT A LATER STAGE	DATE TO BE DETERMINED BY THE TRIBUNAL AT A LATER STAGE

Oral Pleadings⁴

Witness Notifications	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Pre-hearing Conference	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Oral Hearing	AT LEAST TWO MONTHS FOLLOWING THE DEADLINE FOR THE RESPONDENT'S REJOINDER	AT LEAST TWO MONTHS FOLLOWING THE DEADLINE FOR THE RESPONDENT'S REJOINDER

³ The precise date falling two months after the Respondent's Statement of Defense would be Sunday, October 1, 2017. The deadline has been extended by one day so that it falls on a business day.

⁴ Pending the Tribunal's decision on written pleadings.