

PCA Case No. 2018-39

**IN THE MATTER OF AN ARBITRATION UNDER THE TREATY BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF
THE REPUBLIC OF BOLIVIA CONCERNING THE ENCOURAGEMENT AND
RECIPROCAL PROTECTION OF INVESTMENT, SIGNED ON APRIL 17, 1998 AND
ENTERED INTO FORCE ON JUNE 6, 2001**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW, AS REVISED IN 2010/2013 (the “UNCITRAL Rules”)**

- between -

**1. THE ESTATE OF JULIO MIGUEL ORLANDINI-AGREDA
2. COMPAÑÍA MINERA ORLANDINI LTDA.**

(the “Claimants”)

- and -

THE PLURINATIONAL STATE OF BOLIVIA

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

PROCEDURAL ORDER NO. 3

Procedural Calendar

Tribunal

Dr. Stanimir A. Alexandrov (Presiding Arbitrator)
Professor Dr. Guido Santiago Tawil
Dr. José Antonio Moreno Rodríguez

March 8, 2019

I. Background

1. The Tribunal issued its Procedural Order No. 1 on February 4, 2019. The Procedural Calendar of the arbitration leading to a Decision on Bifurcation is set forth in Annex 1 to that order.
2. By letter dated February 4, 2019, the Tribunal invited the Parties to confer and attempt to agree on the two procedural calendar scenarios that would apply following the Tribunal's Decision on Bifurcation.
3. On February 25, 2019, the Parties informed the Tribunal that they had failed to reach agreement on two procedural calendar scenarios as requested by the Tribunal, and each submitted a procedural calendar proposal for the Tribunal to consider.

II. Procedural Calendar

4. Having carefully considered the Parties' proposed calendar scenarios, the Tribunal has determined that the Procedural Calendar shall be as set out in **Annex 1** to this order.
5. The schedule for the phase of the proceedings following the Decision on Bifurcation shall be fixed in accordance with Scenario 1 or 2 of Annex 1 to this order, as applicable, after the issuance of the Decision on Bifurcation.
6. The Tribunal reserves its powers to amend the procedural calendar at any stage, as may be necessary, following consultations with the Parties.

III. Issuance of Procedural Order No. 3

7. The provisions set out in Section 14 of Procedural Order No. 1 shall apply, *mutatis mutandis*, to this Procedural Order.

Place of Arbitration: Paris, France



Dr. Stanimir A. Alexandrov
(Presiding Arbitrator)

On behalf of the Tribunal

Annex 1: Procedural Calendar

Description	By	Days	Dates
<i>Preliminary Phase</i>			
Step 1: First Procedural Meeting	All	N/A	January 29, 2019
Step 2: Report on the outcome of the Florida Court proceeding concerning the appointment of the personal representative of Mr. Orlandini's estate	Claimants	N/A	N/A
Step 3: Request for Bifurcation of the Proceedings	Respondent	Up to 30 days from Step 2	TBD
Step 4: Response to the Request for Bifurcation of the Proceedings	Claimants	Up to 30 days from Step 3	TBD
Step 5: Decision on Bifurcation	Tribunal	Up to 30 days from Step 4	TBD

Scenario 1: The proceedings are not bifurcated

Description	By	Days	Dates
<i>Initial Phase</i>			
Step 1: Statement of Claim, with any Witness Statement(s) and Expert Report(s)	Claimants	120 days from Decision on Bifurcation	TBD
Step 2: Statement of Defense, including any objection to the Tribunal's jurisdiction and/or counterclaim, with any Witness Statement(s) and Expert Report(s)	Respondent	120 days from Step 1	TBD

Description	By	Days	Dates
<i>Document Production Phase</i>			
Step 3: Request to Produce Documents	Claimants and Respondent	21 days from Step 2	TBD
Step 4: Production of Non-Objected Documents and Objections to Produce	Claimants and Respondent	30 days from Step 3	TBD
Step 5: Response to Objections to Produce and reasoned applications for an order on production of documents in the form of a Redfern Schedule (Annex 2 of Procedural Order 1)	Claimants and Respondent	14 days from Step 4	TBD
Step 6: Decision on Request to Produce Documents	Tribunal	14 days from Step 5	TBD
Step 7: Production as ordered	Claimants and Respondent	30 days from Step 6	TBD
<i>Written Pleadings</i>			
Step 8: Reply with any Reply Witness Statement(s) and Expert Report(s)	Claimants	90 days from Step 7	TBD
Step 9: Rejoinder with any Rejoinder Witness Statement(s) and Expert Report(s)	Respondent	90 days from Step 8	TBD
Step 10: Notification of witnesses and experts for the examination at the Hearing	Claimants and Respondent	Approx. 30 days from Step 9	TBD

Description	By	Days	Dates
<i>Oral Pleadings</i>			
Step 11: Pre-hearing Conference	All	Approx. 14 days from Step 10	TBD
Step 12: Oral Hearing	All	TBD	TBD
<i>Post-Hearing Pleadings</i>			
Step 13: Post-Hearing Briefs (TBD)	Claimants and Respondent	TBD	TBD
Step 14: Final Award	Tribunal	TBD	TBD

Scenario 2: The proceedings are bifurcated

Description	By	Days	Dates
<i>Initial Phase on Jurisdiction and Admissibility</i>			
Step 1: Memorial on Jurisdictional Objections, with any Witness Statement(s) and Expert Report(s)	Respondent	90 days from Decision on Bifurcation	TBD
Step 2: Counter-Memorial on Jurisdictional Objections, with any Witness Statement(s) and Expert Report(s)	Claimants	90 days from Step 1	TBD

Description	By	Days	Dates
<i>Document Production Phase on Jurisdiction and Admissibility</i>			
Step 3: Request to Produce Documents	Claimants and Respondent	17 days from Step 2	TBD
Step 4: Production of Non-Objected Documents and Objections to Produce	Claimants and Respondent	20 days from Step 3	TBD
Step 5: Response to Objections to Produce and reasoned applications for an order on production of documents in the form of a Redfern Schedule (Annex 2 of Procedural Order 1)	Claimants and Respondent	10 days from Step 4	TBD
Step 6: Decision on Request to Produce Documents	Tribunal	14 days from Step 5	TBD
Step 7: Production as ordered	Claimants and Respondent	30 days from Step 6	TBD
<i>Written Pleadings on Jurisdiction and Admissibility</i>			
Step 8: Reply on Jurisdictional Objections with any Reply Witness Statement(s) and Expert Report(s)	Respondent	60 days from Step 7	TBD
Step 9: Rejoinder on Jurisdictional Objections with any Rejoinder Witness Statement(s) and Expert Report(s)	Claimants	60 days from Step 8	TBD
Step 10: Notification of witnesses and experts for the examination at the Hearing on Jurisdiction	Claimants and Respondent	Approx. 30 days from Step 9	TBD

Description	By	Days	Dates
<i>Oral Pleadings on Jurisdiction and Admissibility</i>			
Step 11: Pre-hearing Conference	All	Approx. 14 days from Step 10	TBD
Step 12: Oral Hearing on Jurisdiction	All	TBD	TBD
<i>Post-Hearing Pleadings on Jurisdiction and Admissibility</i>			
Step 13: Post-Hearing Briefs on Jurisdictional Objections (TBD)	Claimants and Respondent	TBD	TBD
Step 14: Award on Jurisdiction	Tribunal	TBD	TBD

[***the schedule for the next phase of the proceedings shall be fixed once the Tribunal issues its Award on Jurisdiction***]