

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. 5

Amended Procedural Calendar for the Phase on Jurisdiction and Liability

Tribunal

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

November 20, 2019

I. Background

1. On August 12, 2019, the Tribunal issued Procedural Order No. 4, whereby the Tribunal fixed the procedural calendar for the phase on jurisdiction and liability. Procedural Order No. 4 fixed the deadline for the submission of the Claimants' Statement of Claim on November 6, 2019.
2. On October 24, 2019, the Claimants requested an extension of the deadline to file their Statement of Claim until December 18, 2019, as well as other amendments to the procedural calendar (the "**Request**"). On October 28, 2019, the Claimants provided further arguments in support of their Request.
3. On October 30, 2019, the Respondent requested that the Claimants' Request be rejected, but noted that it would not oppose that the Claimants be granted a nine-day extension to submit their Statement of Claim. The Respondent also proposed a revised procedural calendar which accounted for the proposed nine-day extension (the "**October 30 Calendar**").
4. On October 31, 2019, the Tribunal (i) rejected the Claimants' Request; (ii) granted the Claimants a nine-day extension for the submission of their Statement of Claim; and (iii) invited the Parties to agree on corresponding adjustments to the procedural calendar that would not affect the hearing dates.
5. By separate letters of November 8, 2019, the Parties informed the Tribunal that they had been unable to agree on further adjustments to the procedural calendar and submitted their respective procedural calendar proposals. In sum, the Respondent proposed further revisions to the October 30 Calendar, while the Claimants stated their agreement with the October 30 Calendar.
6. On November 11, 2019, the Tribunal informed the Parties that it was inclined to adopt the October 30 Calendar, and invited the Parties to discuss further adjustments to the October 30 Calendar, noting that, in the absence of any agreed adjustments by November 15, 2019, it would issue a corresponding procedural order.
7. To this date, the Parties have not submitted any further comments on the October 30 Calendar.

II. Amended Procedural Calendar for the Phase on Jurisdiction and Liability

8. Having carefully considered the positions of the Parties, and as advanced in its letter of November 11, 2019, the Tribunal has decided to adopt the October 30 Calendar. The Tribunal hereby determines that the Amended Procedural Calendar for the Phase on Jurisdiction and Liability shall be as set out in **Annex 1** to this order. The Tribunal reserves its powers to amend the procedural calendar at any stage, as may be necessary, following consultations with the Parties.

Place of Arbitration: Paris, France



Dr. Stanimir A. Alexandrov
(Presiding Arbitrator)

On behalf of the Tribunal

Annex 1: Amended Procedural Calendar for the Phase on Jurisdiction and Liability

Description	By	Days	Dates
<i>Initial Phase on Jurisdiction and Liability</i>			
Step 1: Statement of Claim, with any Witness Statement(s) and Expert Report(s)	Claimants	129 days from Decision on the Respondent's Application for Termination, Trifurcation and Security for Costs	November 15, 2019
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	129 days from Step 1	March 23, 2020
<i>Document Production Phase on Jurisdiction and Liability</i>			
Step 3: Request to Produce Documents	Claimants and Respondent	21 days from Step 2	April 13, 2020
Step 4: Production of Non-Objected Documents and Objections to Produce	Claimants and Respondent	32 days from Step 3	May 15, 2020
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 No. 1)	Claimants and Respondent	14 days from Step 4	May 29, 2020
Step 6: Decision on Request to Produce Documents	Tribunal	14 days from Step 5	June 12, 2020
Step 7: Production as ordered	Claimants and Respondent	31 days from Step 6	July 13, 2020

Description	By	Days	Dates
<i>Written Pleadings on Jurisdiction and Liability</i>			
Step 8: Reply with any Reply Witness Statement(s) and Expert Report(s)	Claimants	91 days from Step 7	October 12, 2020
Step 9: Rejoinder with any Rejoinder Witness Statement(s) and Expert Report(s)	Respondent	91 days from Step 8	January 11, 2021
Step 10: Notification of witnesses and experts for the examination at the Hearing	Claimants and Respondent	30 days from Step 9	February 10, 2021
<i>Oral Pleadings on Jurisdiction and Liability</i>			
Step 11: Pre-hearing Conference	All	14 days from Step 10	February 24, 2021
Step 12: Oral Hearing on Jurisdiction and Liability	All	At least 21 days from Step 11	May 17-21, 2021
<i>Post-Hearing Pleadings on Jurisdiction and Liability</i>			
Step 13: Post-Hearing Briefs (TBD)	Claimants and Respondent	TBD	TBD
Step 14: Award on Jurisdiction and Liability	Tribunal	TBD	TBD

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