

**IN THE MATTER OF AN ARBITRATION
BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH
THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE
UNITED STATES OF AMERICA, DATED 30 JUNE 2007**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW, 2013**

PCA CASE NO. 2018-51

-between-

**ELLIOTT ASSOCIATES, L.P. (U.S.A.)
(the “Claimant”)**

-and-

**REPUBLIC OF KOREA
(the “Respondent,” and together with the Claimant, the “Parties”)**

PROCEDURAL ORDER NO. 11

The Arbitral Tribunal

Dr. Veijo Heiskanen (Presiding Arbitrator)

Mr. Oscar M. Garibaldi

Mr. J. Christopher Thomas QC

Registry

Permanent Court of Arbitration

21 February 2020

I. PROCEEDINGS

1. On 11 October 2019, the Tribunal issued Procedural Order No. 9, approving a revised procedural timetable agreed by the Parties.
2. By email dated 21 February 2020, the Respondent informed the Tribunal that the Parties had agreed to vary the time limits for document production and the filing of the Parties' written submissions, so as to extend the voluntary and involuntary production of documents to 6 March 2020; the submission of the Claimant's Statement of Reply to 16 June 2020; the submission of the Respondent's Statement of Rejoinder to 18 September 2020; and the submission of the Claimant's Rejoinder on Preliminary Objections (if any) to 12 November 2020.
3. In the same email, the Respondent noted that the Parties disagreed as to whether a Rejoinder on Preliminary Objections is warranted and indicated that it would address the issue in due course.

II. THE TRIBUNAL'S DECISION

4. In view of the above, the Tribunal decides as follows:
 - (a) The Tribunal approves the revised procedural timetable as agreed by the Parties; and
 - (b) The proceedings shall be conducted in accordance with the revised timetable reproduced in the Annex to the present Procedural Order, subject to further argument by the Parties as may be required in due course as to whether a Rejoinder on Preliminary Objections is warranted.

Place of Arbitration: London, United Kingdom



Dr. Veijo Heiskanen
(Presiding Arbitrator)

On behalf of the Tribunal

Annex

<i>Phase 1: First-Round Written Submissions</i>		
Amended Statement of Claim	Claimant	4 April 2019
Statement of Defence (and any preliminary objections)	Respondent	27 September 2019
<i>Phase 2: Document Production and Non-disputing Party Submission</i>		
Document production requests	Parties	1 November 2019
Objections to production	Parties	22 November 2019
Responses to objections (submitted to Tribunal)	Parties	13 December 2019
Notice by non-disputing Party that it intends to file a submission in accordance with Article 11.20(4) of the Treaty	United States	6 January 2020
Tribunal decision on objections	Tribunal	10 January 2020
Non-disputing party submission in accordance with Article 11.20(4) of the Treaty	United States	7 February 2020
Voluntary production and involuntary production	Parties	6 March 2020
<i>Phase 3: Second-Round Written Submissions</i>		
Statement of Reply (and Defence to Preliminary Objections, if any)	Claimant	19 June 2020
Statement of Rejoinder (and Reply to Preliminary Objections, if any)	Respondent	18 September 2020
(Claimant's Rejoinder on Preliminary Objections, if any)	(Claimant)	(12 November 2020)
<i>Phase 4: Hearing</i>		
Notification of witnesses and experts to be cross-examined	Parties	23 November 2020
Pre-Hearing Conference	All	7 December 2020
Hearing	All	The weeks of 25 January and 1 February 2021