

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. 6

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

March 17, 2020

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.
2. On November 20, 2019, following a request from the Claimants for an extension of the deadline to file their Statement of Claim, the Tribunal issued Procedural Order No. 5, whereby it amended the procedural calendar established by Procedural Order No. 4.
3. On February 13, 2020, the Respondent requested a 45-day extension of the deadline to file its Statement of Defense (i.e. from March 23 to May 7, 2020) (the “**Request**”).
4. On February 19, 2020, the Claimants requested that the Respondent’s Request be rejected in its entirety.
5. By letter of February 20, 2020, the Tribunal advised that it was minded to grant some extension to the Respondent, but believed the extension requested by the Respondent to be excessive. Accordingly, the Tribunal invited the Parties to try to reach an agreement on reasonable adjustments to the schedule that (i) preserved the hearing dates; (ii) allowed the Parties and the Tribunal sufficient time to prepare for the hearing; and (iii) provided some flexibility in case further adjustments to the schedule would become necessary due to unforeseen and unavoidable circumstances. Finally, the Tribunal informed that it would rule on the Respondent’s Request in the absence of an agreement between the Parties by February 28, 2020.
6. By separate letters of February 27, 2020, the Parties informed the Tribunal that they had been unable to agree on any adjustments to the procedural schedule and submitted their respective views on the matter. In sum, the Respondent renewed its request for a 45-day extension of the deadline to file its Statement of Defense, while the Claimants argued that the Tribunal should reject the Respondent’s Request and grant at most a 9-day extension.
7. On February 28, 2020, the Tribunal (i) extended the deadline for the submission of the Statement of Defense until Monday, April 6, 2020; and (ii) invited the Parties to confer and attempt to agree on subsequent adjustments to the procedural calendar in line with the criteria stated in the Tribunal’s letter of February 20, 2020.
8. By joint communication of March 9, 2020, the Parties submitted an agreed draft procedural calendar reflecting the extension granted by the Tribunal on February 28, 2020 and subsequent adjustments to the schedule. By separate communications of March 13 and 16, 2020, the Claimants and the Respondent respectively confirmed, at the Tribunal’s request, their availability to participate in the pre-hearing conference on March 5, 2021.

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

9. Further to the extension granted on February 28, 2020, and in accordance with the agreement of the Parties, the Tribunal hereby determines that the Amended Procedural Calendar for the Phase on Jurisdiction and Liability shall be hereafter as set out in **Annex 1** to this order.
10. 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

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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	143 days from Step 1	April 6, 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 27, 2020
Step 4: Production of Non-Objected Documents and Objections to Produce	Claimants and Respondent	32 days from Step 3	May 29, 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	June 12, 2020
Step 6: Decision on Request to Produce Documents	Tribunal	14 days from Step 5	June 26, 2020
Step 7: Production as ordered	Claimants and Respondent	31 days from Step 6	July 27, 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 26, 2020
Step 9: Rejoinder with any Rejoinder Witness Statement(s) and Expert Report(s)	Respondent	91 days from Step 8	January 25, 2021
Step 10: Notification of witnesses and experts for the examination at the Hearing	Claimants and Respondent	30 days from Step 9	February 24, 2021
<i>Oral Pleadings on Jurisdiction and Liability</i>			
Step 11: Pre-hearing Conference	All	9 days from Step 10	March 5, 2021
Step 12: Oral Hearing on Jurisdiction and Liability	All	73 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***]