

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

*Legacy Vulcan, LLC*

v.

*United Mexican States*

**(ICSID Case No. ARB/19/1)**

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**PROCEDURAL ORDER NO. 4**

*Members of the Tribunal*

Prof. Albert Jan van den Berg, President of the Tribunal

Prof. Sergio Puig, Arbitrator

Prof. Guido Santiago Tawil, Arbitrator

*Secretary of the Tribunal*

Ms. Sara Marzal

*Assistant to the Tribunal*

Ms. Emily Hay

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8 January 2021

**I. INTRODUCTION**

1. On 4 January 2021, in accordance with Annex A of Procedural Order No. 1, as amended by the Parties, the Claimant submitted to the Tribunal its requests for the production of documents in the form of a Redfern Schedule (including the Respondent’s objections to the requests and the Claimant’s replies to such objections), together with a pdf file containing the Claimant’s instructions and definitions relating to its requests, and the Respondent’s “general objections” referenced in the Redfern Schedule.
2. This Order and the annexed Redfern Schedule contain the Tribunal’s decisions on the Claimant’s requests for the production of documents.

**II. APPLICABLE RULES AND DISCUSSION**

3. As reflected in Section 1 of Procedural Order No. 1, these proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006, except to the extent that they are modified by Section B of NAFTA Chapter Eleven.
4. With regard to the ICSID Arbitration Rules, Rule 34(2) and (3) provides:

*(2) The Tribunal may, if it deems it necessary at any stage of the proceeding:*

*(a) call upon the parties to produce documents, witnesses and experts; and*

[...]

*(3) The parties shall cooperate with the Tribunal in the production of the evidence and in the other measures provided for in paragraph (2). The Tribunal shall take formal note of the failure of a party to comply with its obligations under this paragraph and of any reasons given for such failure.*

[...]

5. Section B of Chapter 11 of the NAFTA, which concerns the procedural framework governing an arbitration between a NAFTA State and an Investor of another NAFTA State, does not provide any rules that modify the ICSID Arbitration Rules’ general provisions on the production of documents.

6. Thus, in the absence of a specific procedural framework for the production of documents, the Tribunal, in consultation with the Parties, determined the procedural rules applicable to the production of documents, which are set forth in Section 15 of Procedural Order No. 1. The Tribunal has adhered to these rules in deciding upon the Claimant's document requests.
7. In addition, Section 15.5 of Procedural Order No. 1 requires that each document request comply with the requisites established in Article 3(3) of the IBA Rules on the Taking of Evidence in International Arbitration dated 29 May 2010 ("IBA Rules") and Section 15.10 requires that objections to each document request be justified in Article 9(2) of the IBA Rules. The Tribunal has therefore also taken into account the referred IBA Rules in deciding upon the Claimant's document requests.
8. Finally, where appropriate, the Tribunal has weighed the Claimant's document requests against the legitimate interests of the Respondent, including any unreasonable burden likely to be caused to the Respondent, taking into account all the surrounding circumstances, including the breadth and relevance of the requests.
9. The Tribunal's decision on each document request is stated in the completed version of the Claimant's Redfern Schedule, which is attached to this Order as Annex A.
10. The Tribunal notes that, in setting forth its decisions on the document requests, it has not explicitly addressed every argument raised by the Claimant in its submission of 4 January 2021; doing so would be unnecessary and indeed repetitive. Instead, the Tribunal's statements in the Redfern Schedule address only what the Tribunal views as the most important reasons for its decisions. Yet, the Tribunal emphasizes that in reaching these decisions, it has considered all of the Parties' arguments and objections.

**III. DECISION**

11. On the basis of the above, the Tribunal hereby decides as follows:

- (a) The annexed Redfern Schedule, including the Tribunal's decisions set forth in the last column, form an integral part of this Order;
- (b) In accordance with Section 15.16 and Annex A of Procedural Order No. 1, as amended by the Parties, and subject to paragraph (c) below, the Respondent shall produce all documents for which no objection has been sustained by **25 January 2021**;
- (c) In relation to documents responsive to request no. 3, also by **25 January 2021**, the Respondent shall produce a privilege log identifying any documents or redactions in respect of which a claim of privilege is asserted and the legal basis for such claim. In the event that the Claimant disputes a claim of privilege identified in the privilege log, it may apply to the Tribunal by **1 February 2021**, following which the Tribunal shall issue further directions; and
- (d) Documents shall be produced in accordance with Sections 15.17 and 15.18 of Procedural Order No. 1, and, as provided in Section 15.19 of Procedural Order No. 1, documents so disclosed shall not be considered to be part of the record unless and until one of the Parties subsequently includes them as exhibits to a written submission or as an annex to a witness statement or expert report.

On behalf of the Tribunal,

[Signed]

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Prof. Albert Jan van den Berg  
President of the Tribunal  
Date: 8 January 2021

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**Redfern Schedule**

No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			
1.	Claimant	<i>Oficio</i> No. PFPA/1/4C.26.2/755/2016.	<i>Declaración Testimonial de la Sra. Silvia Rodríguez Rosas</i> , ¶¶ 25-26 (RW-002).	<p>In her witness statement, Mrs. Silvia Rodríguez Rosas states that <i>Oficio</i> No. PFPA/1/4C.26.2/755/2016 purportedly abrogated the “<i>Lineamientos para los casos en que se realicen obras y actividades sin contar con Autorización de Impacto Ambiental, o que contando con autorización se lleven a cabo obras y actividades no contempladas en la misma</i>,” which is referenced by Claimant’s expert witness, Manuel Mercado Béjar.</p> <p>While Mrs. Rodríguez Rosas cites to the requested document as “Annex 3” of her report (<i>see</i> n. 6), she failed to attach a copy of such document.</p> <p>The Document is relevant to the case and material to its outcome because it purports to order the abrogation of the PROFEPA guidelines that</p>	Respecto del documento identificado como “Oficio No. PFPA/1/4C.26.2/755/2016”, se informa que la Demandada procede a exhibir el documento solicitado.	Claimant has no additional comments.	Moot

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				govern the coordination of activities between PROFEPA and SEMARNAT.			
2.	Claimant	Documents that govern the conduct of experts ( <i>peritos</i> ) and their reports in PROFEPA's administrative proceedings, in force as of 2017, including, but not limited to, guidelines, regulations, and rules issued by PROFEPA.	Exhibit SRR-0002, RW-002- <i>Declaración Testimonial</i> -Silvia Rodríguez Rosas, <i>Trigésimo Primero</i> , fourth paragraph.  <b>R-0009-ESP</b> <i>Criterios para la Aplicación Administrativa del Régimen de Responsabilidad Ambiental previsto por el artículo 4° párrafo quinto de la Constitución</i>	According to Mrs. Silvia Rodríguez and the “ <i>Criterios</i> ” (R-0009-ESP), the requested Documents establish the manner in which PROFEPA must treat expert witness testimonies/reports in its proceedings.  The requested Documents are relevant to the case and material to its outcome because they are relied on by Respondent's witness and pertain to the internal regime that governs PROFEPA's conduct, which Claimant alleges was, <i>inter alia</i> , arbitrary.	Se objeta la totalidad de la solicitud con fundamento en las objeciones generales II.A.1 (falta de especificidad) y II.A.2 (falta de relevancia y sustancialidad).  Adicionalmente, el Artículo 9(2)(a) establece que el tribunal excluirá de la producción cualquier documento que carezca de suficiente pertinencia para el caso o materialidad para su resultado. Para satisfacer los elementos de dicho Artículo se requiere que el contenido del documento solicitado esté relacionado con las cuestiones del caso, y que dicha relación se establezca con suficiente	Respondent's objections lack merit. The request is sufficiently specific: it seeks the guidelines and other documents governing the conduct of experts and their reports within PROFEPA administrative proceedings. <sup>21</sup> These very documents are referenced in the <i>Criterios</i> submitted by Respondent as an exhibit and cited in the statement of its witness Silvia	Granted limited to responsive documents that are guidelines, regulations and rules issued by PROFEPA. Denied in all other respects (overly broad).

<sup>21</sup> Contrary to Respondent's assertions in Section II.A.1. of its “objections,” the definitions applicable to Claimant's requests do not render the requests overbroad or unspecific. The definition of the term “Document(s)” is exactly the same as the definition of that term in the IBA Rules and merely adds illustrative examples of what is covered by that definition. The definitions of “including” and “and/or” are meant to clarify what is meant by those terms in the requests.

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			<p><i>Política de los Estados Unidos Mexicanos, la Ley General de Vida Silvestre, la Ley General de Desarrollo Forestal Sustentable, la Ley General de Bienes Nacionales, la Ley General para la Prevención y Gestión Integral de los Residuos y la Ley Federal de Responsabilidad Ambiental, agosto 2016.</i></p>		<p>especificidad para que el Tribunal Arbitral pueda comprender el propósito para el cual la parte solicitante necesita los documentos solicitados. Consideraciones que no existen con los documentos que la Demandante pretende obtener, ya que no forman parte de las medidas disputadas en el arbitraje o los hechos del caso.</p> <p>Específicamente, la testimonial de la Sra. Silvia Rodríguez no hace alusión en ninguna parte de su testimonial a “criterios que regulen la forma en la que la PROFEPA debe tratar testimoniales o informes de los peritos en sus actuaciones”.</p> <p>Adicionalmente, la testimonial de la Sra. Silvia Rodríguez no hace referencia o mención al numeral Trigésimo Primer párrafo cuarto de los “<i>Criterios para la Aplicación Administrativa del Régimen de</i></p>	<p>Rodríguez. See Exhibit R-0009-ESP, at p. 28 (pdf), <i>Trigésimo Primero</i> clause, paragraph 4 (“<i>Los servidores públicos observarán los criterios, lineamientos y formatos que expida la Subprocuraduría Jurídica para la emisión de dictámenes periciales en materia de daño al ambiente.</i>”) (emphasis added); Exhibit SRR-0002, at p. 29 (pdf), <i>Trigésimo Primero</i> clause, paragraph 4 (same). Respondent notes that Mrs. Rodríguez’s declaration does not refer to the</p>	

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					<p><i>Responsabilidad Ambiental previsto por el artículo 4º párrafo quinto de la Constitución Política de los Estados Unidos Mexicanos, la Ley General de Vida Silvestre, la Ley General de Desarrollo Forestal Sustentable, la Ley General de Bienes Nacionales, la Ley General para la Prevención y Gestión Integral de los Residuos y la Ley Federal de Responsabilidad Ambiental</i>” identificado como anexo SRR-002. Tampoco se menciona que estos Criterios establezcan la forma en que la PROFEPA debe tratar los testimonios o informes de peritos en sus actuaciones.</p>	<p>“<i>criterios que regulen la forma en la que la PROFEPA debe tratar testimoniales o informes de los peritos en sus actuaciones,</i>” but her declaration expressly refers to and relies on the <i>Criterios</i> that reference the guidelines and other documents governing expert evidence in PROFEPA proceedings. <i>See id.; Declaración Testimonial-</i> Silvia Rodríguez Rosas, paragraph 25 (referring to the <i>Criterios</i>).</p> <p>As Claimant explains and Respondent fails to rebut, the requested</p>	



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						documents are relevant to the case and material to its outcome. In an attempt to rebut the testimony of Claimant's expert, Mrs. Rodríguez's declaration asserts that the <i>Criteria</i> s superseded PROFEPA's <i>Lineamientos</i> referenced by Claimant's expert and relies on the <i>Criteria</i> s as part of her defense of PROFEPA's actions here. <i>See id.</i> , paragraphs 22, 25-27. The requested documents relate both to the PROFEPA guidelines that were in force at the time of the events at issue and the propriety of its	

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						actions here. They should therefore be produced.	
3.	Claimant	All Documents, including the PROFEPA administrative file, issued by PROFEPA in the administrative proceedings referred to in paragraph 151 of the report of Respondent's legal experts.	<i>Opinión Legal-SOLCARGO</i> , ¶ 151.	Respondent's legal experts referred to three proceedings in which PROFEPA ordered supplemental inspections, but failed to enclose any supporting documentation.  The requested Documents are relevant to the case and material to its outcome because they are cited by Respondent's experts to defend the propriety of PROFEPA's conduct and rebut the opinion of Claimant's expert Manuel Mercado Béjar.	Se objeta la totalidad de la solicitud con fundamento en las objeciones generales II.A.1 (falta de especificidad), II.A.2 (falta de relevancia y sustancialidad) y II.A.3 (confidencialidad e impedimento legal).  Sin perjuicio del carácter general de los "documentos" solicitados, la Demandada considera que éstos podrían contener información protegida de la divulgación por estar relacionada con privilegios de confidencialidad.  Específicamente, la documentación solicitada es considerada como información clasificada como reservada, de conformidad con los artículos 110 de la Ley Federal de Transparencia y Acceso a la Información Pública y 113 de la Ley	Respondent's objections lack merit. The request is sufficiently specific: it seeks the Documents issued by PROFEPA in the three proceedings that Respondent's legal experts identified in Paragraph 151 of their report. The Respondent's experts relied on those proceedings to rebut Claimant's expert opinion regarding the propriety of PROFEPA's conduct in this case. The documents are therefore clearly relevant to this case and material	Granted limited to responsive documents in the PROFEPA administrative file relating to supplemental inspections in the referred administrative proceedings, and subject to completion of a privilege log, identifying any documents or redactions in respect of which a claim of privilege is asserted and the legal basis for such claim, in accordance with paragraph 11(c) of this Procedural Order No. 4.

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					<p>General de Transparencia y Acceso a la Información Pública.<sup>22</sup> Motivo por el cual, la documentación no puede ser exhibida, de conformidad con el Artículo 9.2 de las Reglas de la IBA. En efecto, la Demandada ha solicitado los documentos a la PROFEPA la cual ha confirmado que los expedientes se encuentran clasificados como reservados.</p> <p>Cabe precisar que el experto legal de la Demandada tampoco tuvo acceso a los expedientes y documentación requerida de forma general por la Demandante. Efectivamente, el experto de</p>	<p>to its outcome, despite Respondent's generic objection to the contrary.</p> <p>Respondent's objection that the definitions applicable to Claimant's requests render the requests overbroad or unspecific are without merit for the reasons stated in footnote 21.</p> <p>Respondent's refusal to produce any document in response to this</p>	

<sup>22</sup> Artículo 110. Conforme a lo dispuesto por el artículo 113 de la Ley General, como información reservada podrá clasificarse aquella cuya publicación:

[...]

VI. Obstruya las actividades de verificación, inspección y auditoría relativas al cumplimiento de las leyes o afecte la recaudación de contribuciones;

VII. Obstruya la prevención o persecución de los delitos;

[...]

VIII. La que contenga las opiniones, recomendaciones o puntos de vista que formen parte del proceso deliberativo de los Servidores Públicos, hasta en tanto no sea adoptada la decisión definitiva, la cual deberá estar documentada;

[...]

X. Afecte los derechos del debido proceso;

XI. Vulnere la conducción de los Expedientes judiciales o de los procedimientos administrativos seguidos en forma de juicio, en tanto no hayan causado estado;

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					<p>la Demandada únicamente tuvo la oportunidad de validar que existían inspecciones complementarias, a través de versiones públicas de las órdenes y acta de las inspecciones complementarias, respectivas de cada expediente.</p>	<p>request based on IBA Rule 9.2(b), (e), or (f) is also without merit. Respondent concedes that its legal experts had access to non-confidential documents relating to the three proceedings identified in their report. At a minimum, these Documents must be produced. Respondent should also be required to produce requested Documents with appropriate redactions to the extent they contain confidential information because, in this case, Respondent has submitted similar documentation</p>	

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						concerning other PROFEPA administrative proceedings with confidential information redacted. <i>See</i> Exhibits MYBM 003 and MYBM 004. Respondent should not be allowed to withhold Documents from PROFEPA administrative proceedings relied upon by its legal experts when it has selectively submitted similar PROFEPA files.	
4.	Claimant	All Documents reflecting communications between API Quintana Roo and/or the State of Quintana Roo, on the one hand, and PROFEPA, on the other hand, about or	Memorial, ¶ 135.	The Documents are relevant to the case and material to its outcome because they relate to the PROFEPA proceeding at issue in this case and Claimant's allegation that PROFEPA's conduct was arbitrary.	Se objeta la totalidad de la solicitud con fundamento en las objeciones generales II.A.1 (falta de especificidad) y II.A.2 (falta de relevancia y sustancialidad).	Respondent's objections lack merit. The request is sufficiently specific: it seeks a particular category of Documents (those reflecting communications	Granted limited to communications between API Quintana Roo and/or the State of Quintana Roo, on the one hand, and PROFEPA, on the

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		mentioning CALICA or its operations from January 2017 to the present.				<p>about CALICA or its operations between the State or API Quintana Roo and PROFEPA) within a particular date range.</p> <p>Respondent's objection that the definitions applicable to Claimant's requests render the requests overbroad or unspecific are also without merit for the reasons stated in footnote 21.</p> <p>As Claimant explains and Respondent fails to rebut, these Documents are relevant to the case and material to its outcome. Claimant alleges that Respondent's</p>	<p>other hand, mentioning CALICA from May 2017 to May 2018. Denied in all other respects (overly broad).</p>

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						<p>2018 Shutdown Order was arbitrary in part because it was retaliatory, issued by PROFEPA soon after API Quintana Roo threatened CALICA that its operations would be shut down. <i>See</i> Memorial, paragraphs 135, 149. The requested communications would serve as further evidence regarding this allegation. Notably, Respondent does not allege that the requested Documents do not exist. If they exist, they are relevant and material, and should be produced.</p>	

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						To the extent the Tribunal considers the date range specified for this request to be insufficiently narrow, Respondent should be required, at a minimum, to produce requested Documents dated from May 2017 to May 2018, the period when Respondent threatened CALICA, launched inspections, imposed the Shutdown Order, and its immediate aftermath. <i>See</i> Memorial, paragraphs 135, 139, 149, 153.	
5.	Claimant	All Documents relating to the 2014 Agreements issued by the Municipality of	Counter-Memorial, ¶¶	The requested Documents are relevant to the case and material to its outcome because they relate to the	Se objeta la totalidad de la solicitud con fundamento en las objeciones generales II.A.1 (falta de especificidad)	Respondent's objections lack merit. The request is sufficiently	Denied (overly broad).



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		Solidaridad, the SCT, the State of Quintana Roo, and API Quintana Roo.	204-208, 218-224.	<p>2014 Agreements and Respondent's performance of its obligations under those agreements.</p> <p>Respondent claims lack of knowledge of the 2014 Agreements. Yet its efforts to locate relevant documents related to those agreement seems to have been restricted only to the Municipality of Solidaridad and to the agreements themselves. <i>See, e.g.</i>, R-0027 at p. 265 (pdf) showing that Mexico requested only copies of the 2014 Agreements and not all documents related thereto.</p>	y II.A.2 (falta de relevancia y sustancialidad).	<p>specific. It seeks a particular category of Documents: those issued by the four instrumentalities identified in the request regarding the 2014 Agreements. The request also centers on a specific date range: 2013-2015, when the 2014 Agreements were negotiated, executed and were to be carried out. <i>See</i> Memorial, Figure 3 at p. 51 and paragraphs 87-88.</p> <p>Respondent's objection that the definitions applicable to Claimant's requests render the requests overbroad or unspecific are</p>	

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						<p>also without merit for the reasons stated in footnote 21.</p> <p>As Claimant explains and Respondent fails to rebut, these Documents are relevant to the case and material to its outcome because they concern the parties' allegations about the 2014 Agreements, the repudiation of which is at the heart of Claimant's claims in this case. In addition, Respondent's own exhibits indicate that Documents relating to the 2014 Agreements (but not constituting those Agreements) exist</p>	

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						and are in the possession, custody, and control of Respondent. <i>See, e.g.,</i> Exhibit R-0027, at p. 266 (pdf) & Request No. 7 below. Such Documents should be produced.	
6.	Claimant	All legal instructions provided by Respondent to Timothy Hart and/or Rebecca Vélez, and/or Credibility International related to preparation of the First Expert Report of Timothy Hart and Rebecca Vélez.	First Expert Report of Timothy Hart and Rebecca Vélez.	The requested Documents are relevant to the case and material to its outcome because they are required to have a complete understanding of the assumptions in the First Expert Report of Timothy Hart and Rebecca Vélez.	De conformidad con la RP1 todos los informes periciales, incluidos los de daños, deben incluir toda la información descrita en el artículo 5(2) de las Reglas de la IBA. Dicho artículo exige que los informes periciales incluyan 'una descripción de las instrucciones de conformidad con las cuales emitirá sus opiniones y conclusiones'. El informe pericial de Credibility describe las instrucciones que recibió de los abogados de la Demandada en los párrafos 14, 19, 56, 170, 211, 225 y 235. Asimismo, Credibility presentó como Anexo CRED-	Claimant understands from Respondent's response to this request that it has disclosed all the legal instructions provided by Respondent to its damages experts in the First Expert Report of Timothy Hart and Rebecca Vélez, paragraphs 14, 19, 56, 170, 211, 225, and 235, as well as in Section IV of Exhibit CRED-01. To the extent this	Denied (request for information; failure to describe a document).

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					01 a su informe el documento 'Preliminary Brief for Damages Expert' que describe en la sección IV el 'alcance del trabajo requerido'. La Demandada también observa que la Solicitud No. 6 no identifica ningún documento específico y, dado que la Demandante ya está en posesión de la información que busca obtener a través de la Solicitud No. 6, la Demandada objeta la solicitud.	understanding is correct, Claimant has no additional comments regarding this request. If Claimant's understanding is incorrect, Respondent should promptly state so and provide the information requested in full.	
7.	Claimant	Agreement between the Government of Quintana Roo and the Municipality of Solidaridad to amend the 2009 POEL in respect of its soil use of the lots of CALICA to allow the production previously authorized by the 2001 POET. ( <i>Acuerdo con el Gobierno de Quintana Roo, y el Municipio de</i>	R-0027 at pp. 25, 138 (pdf).	In a letter dated October 15, 2020, the Secretary of the Municipality of Solidaridad sent to the Legal Counselor of the Municipality Lic. José Ángel Durán Desiga a copy of said agreement.  The requested document is relevant to the case and material to its outcome because it proves Claimant's allegation that Mexico failed	La Demandada objeta esta solicitud en su totalidad porque entendemos que el documento solicitado corresponde al Anexo C-0021 del Memorial de Demanda, es decir, ya está en posesión de la información que busca obtener.	Respondent's objection lacks merit. Respondent's "understanding" that Claimant is requesting a document that corresponds to Exhibit C-0021 is incorrect and irrelevant. Exhibit C-0021 is the 2014 Memorandum of Understanding	Granted.

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		<i>Solidaridad para reformar el Programa de Ordenamiento Ecológico Local del Municipio de Solidaridad de 2009 con respecto al uso de suelo de los predios de la empresa Calica, y con ello permitirle la explotación previamente autorizada por el Programa de Ordenamiento Ecológico Territorial de 2001.)</i>		to perform its obligations under the 2014 Agreements.		(“MOU”) among CALICA, API Quintana Roo, the State of Quintana Roo, and the Municipality of Solidaridad. <i>See</i> Exhibit C-0021-SPA, at 1. The MOU is different from the document sought in this request. As shown in a letter from the Municipality of Solidaridad contained within Exhibit R-0027, the Mexican government sought three documents from that Municipality in connection with this arbitration: the MOU, its 2015 amendment, <i>and</i> the document requested here ( <i>Acuerdo con el Gobierno de</i>	

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Procedural Order No. 4 – Annex A

No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			
						<p><i>Quintana Roo, y el Municipio de Solidaridad para reformar el Programa de Ordenamiento Ecológico Local del Municipio de Solidaridad de 2009 con respecto al uso de suelo de los predios de la empresa Calica, y con ello permitirle la explotación previamente autorizada por el Programa de Ordenamiento Ecológico Territorial de 2001). Exhibit R-0027, at p. 266 (pdf.); see also id. at pp. 25, 138 (referencing the same document). Respondent's own exhibit therefore shows that the requested</i></p>	

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No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			
						<p>document is not the same as Exhibit C-00021 and is not enclosed within Exhibit R-0027.</p> <p>Furthermore, it is irrelevant whether Respondent “understands” that the requested document is the same as Exhibit C-0021-SPA. Claimant should receive the requested document to corroborate Respondent’s “understanding.”</p> <p>Respondent should be ordered to produce the requested document, which is not in Claimant’s possession and Respondent does</p>	

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No.	Requesting Party	Documents or Category of Documents Requested	Relevance and Materiality According to Requesting Party		Objections to Document Request	Reply to Objections to Document Request	Tribunal's Decisions
			Ref. to Submissions	Comments			
						not (and cannot) dispute is relevant to this case and material to its outcome.	