

**IN THE MATTER OF AN ARBITRATION UNDER THE
NORTH AMERICAN FREE TRADE AGREEMENT**

- and -

**THE ARBITRATION RULES OF THE
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (1976)**

- between -

Alicia Grace; Ampex Retirement Master Trust; Apple Oaks Partners, LLC; Brentwood Associates Private Equity Profit Sharing Plan; Cambria Ventures, LLC; Carlos Williamson-Nasi in his own right and on behalf of Axis Services, Axis Holding, Clue and F. 305952; Carolyn Grace Baring; Diana Grace Beard; Floradale Partners, LLC; Frederick Grace; Frederick J. Warren; Frederick J. Warren IRA; Gary Olson; Genevieve T. Irwin; Genevieve T. Irwin 2002 Trust; Gerald L. Parsky; Gerald L. Parsky IRA; John N. Irwin III; José Antonio Cañedo-White in his own right and on behalf of Axis Services, Axis Holding and F. 305952; Nicholas Grace; Oliver Grace III; ON5 Investments, LLC; Rainbow Fund, L.P.; Robert M. Witt; Robert M. Witt IRA; Vista Pros, LLC; Virginia Grace

Claimants

v.

The United Mexican States

Respondent

PROCEDURAL ORDER NO. 30

**ON THE CLAIMANTS' REQUEST TO SUBMIT ADDITIONAL EVIDENCE INTO THE
RECORD**

Tribunal

Prof. Diego P. Fernández Arroyo, President
Mr. Andrés Jana Linetzky, Arbitrator
Mr. Gabriel Bottini, Arbitrator

Secretary of the Tribunal

Ms. Patricia Rodríguez Martín

19 December 2022

I. Procedural Background

1. On November 23, 2022, the Claimants sent a letter to the Tribunal, requesting leave to introduce INTERPOL's decision on Mexico's Second Red Notice Application (the "**Second INTERPOL Decision**") into the record of the arbitration pursuant to Article 18.3 of Procedural Order No. 1.
2. On November 28, 2022, the Tribunal invited the Respondent to comment on the Claimants' request by December 2, 2022.
3. On November 29, 2022, the Respondent asked the Tribunal for an extension of the deadline to submit its response to the Claimants' request until December 6, 2022. The extension was authorized by the Tribunal on December 2, 2022.
4. On December 6, 2022, the Respondent submitted its response to the Claimants' request, arguing *inter alia* that the Claimants had failed to demonstrate exceptional circumstances justifying adding the Second INTERPOL Decision on the record.

II. The Tribunal's Analysis

5. The Tribunal considers that any request for the submission of new evidence merits serious consideration. Consequently, the Tribunal has carefully analyzed Claimants' request.
6. First and foremost, the Tribunal emphasizes the central relevance of safeguarding the Parties' rights and the equality of arms.
7. Second, the Tribunal has considered the potential impact of the proposed evidence on the decision of the Tribunal.
8. Third, the Tribunal has taken into account the current stage of the proceedings – when the Post-Hearing Briefs have been timely submitted by the Parties and discussed by the Arbitral Tribunal – and the risk to reopen a discussion whose substance was sufficiently debated during the Hearing and commented in the Post-Hearing Briefs. In particular, the Tribunal recalls that the Parties have agreed upon a post-Hearing phase of proceedings with only one round of simultaneous submissions.

9. Therefore, the Claimants' request cannot be admitted.

III. Order

10. On the basis of the foregoing considerations, the Tribunal rejects the Claimants' request.

On behalf of the Tribunal,

[Signed]

Professor Diego P. Fernández Arroyo
President of the Tribunal
Date: 19 December 2022
Seat of the arbitration: Toronto, Canada