

PROCEDURAL ORDER NO. 19

ANNEX

I. TRIBUNAL’S REVISED RULINGS ON PRIVILEGE CLAIMS IN CLAIMANTS’ SECOND PRIVILEGE/CONFIDENTIALITY LOG

Document Log Number	Tribunal’s Decision
29	Taking into account the observation by the Privilege Expert (as clarified) that the document reflects legal advice from Mr Ayervais and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was shared only with members of B-Mex or other NAFTA Claimants.
96	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants’ description of the document is fair, and that the document reflects legal advice and mental impressions from outside corporate counsel and from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impression from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was shared only with members of B-Mex.
191	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants’ description of the document is fair, and that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was shared only with members of B-Mex or other NAFTA Claimants.
362	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants’ description of the document is fair, and that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel.

Document Log Number	Tribunal's Decision
514	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants' description of the document is fair, and that the document contains legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was shared only with members of B-Mex.
564	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants' description of the document as seeking legal advice and reflecting details of Engagement Agreement is fair (in part), and that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions (i) seeking legal advice, (ii) reflecting details of Engagement Agreement and (iii) reflecting legal advice or mental impressions from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was shared only with members of B-Mex or other NAFTA Claimants.
603	Taking into account the observation by the Privilege Expert (as clarified) that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from Claimants' NAFTA Counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel.
618	Taking into account the observation by the Privilege Expert (as clarified) that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel. To the extent privilege attaches, the Tribunal finds that privilege has not been waived insofar as the document was disclosed in the AAA arbitration (in accordance with the Tribunal's ruling at paragraph 11 of PO16).
784	Taking into account the observation by the Privilege Expert (as clarified) that the document reflects legal advice from outside corporate counsel and mental impressions and legal advice from NAFTA counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice or mental impressions from counsel.

Document Log Number	Tribunal's Decision
818	Taking into account the observation by the Privilege Expert (as clarified) that the QE Claimants' description of the document as relating to legal claims and reflecting NAFTA litigation strategy is fair, and that the document reflects legal advice from outside corporate counsel (in part), the Tribunal orders the production of the document subject to the redaction of any portions reflecting legal advice from outside corporate counsel.
861	On the basis of the QE Claimants' representation that this document is "duplicative of" the documents at Document Log Numbers 174 and 570, the Tribunal refers to its decisions in Document Log Numbers 174 and 570.