

**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. 25

ON REMOTE PARTICIPATION AT THE HEARING

Tribunal

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

Secretary of the Tribunal

Ms. Patricia Rodríguez Martín

12 April 2022

I. Procedural Background

1. In Procedural Order No. 22, the Tribunal invited the Parties “to inform it by 8 April 2022 of the identity of all participants which request to attend the Hearing remotely. The requests shall indicate, for each participant, the reasons for the need of such remote participation” (§ 17.i; in the same sense, § 31 of Procedural Order No. 23).
2. Pursuant to the above, on 8 April 2022, the Respondent requested the Tribunal to allow Ms. Virginia Pérez del Castillo and Mr. Eduardo Fragoso (for reasons related to their vaccination scheme) and Ms. María Luz Lozano Rodríguez (for reasons related to her visa, anticipating that, if resolved positively, she could appear in person) to participate in the Hearing remotely.
3. The Respondent also requested in advance that the Tribunal allow its’ experts - Messrs. Jorge Asali Harfuch, Francisco Javier Paz Rodríguez and José Alberro) – to make an oral presentation during the Hearing.
4. On the same date, the Claimants requested that the Tribunal allow Mr. Avi Yanus to testify at the Hearing remotely due to health reasons and enclosed a medical certificate to that effect.

II. The Tribunal’s Analysis

5. The Tribunal considers that the reasons given by the Parties are in principle sufficient to authorize the remote participation of all the persons mentioned in section I of this Procedural Order. Therefore, in view of the information available at present, said persons are duly authorized to participate in the Hearing remotely.
6. In relation to the possibility granted to the Parties to request that their experts make an oral presentation instead of direct examination (Procedural Order No. 23, §§ 14.d and 30.a (second point)), which may be invoked until the very moment of the appearance of each expert, the Tribunal does not find any reason not to authorize the Respondent's request in relation to the experts mentioned in section I of this Procedural Order. Consequently, the experts are authorized to make an oral presentation under the terms of said provisions.

III. Order

7. On the basis of the foregoing considerations, the Tribunal decides:
 - i. To authorize the remote participation of Ms. Virginia Pérez del Castillo, Mr. Eduardo Fragoso, Ms. María Luz Lozano Rodríguez and Mr. Avi Yanus.

- ii. To authorize experts Messrs. Jorge Asali Harfuch, Francisco Javier Paz Rodríguez and José Alberro to make an oral presentation during the Hearing, instead of a direct examination.

On behalf of the Tribunal,

[Signed]

Professor Diego P. Fernández Arroyo
President of the Tribunal
Date: 12 April 2022
Seat of the arbitration: Toronto, Canada