

PCA Case No. 2023-37

IN THE MATTER OF AN ARBITRATION UNDER THE UNITED STATES-COLOMBIA  
TRADE PROMOTION AGREEMENT, ENTERED INTO FORCE ON 15 MAY 2012  
(the “TPA”)

and

THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW, AS REVISED IN 2021 (the “UNCITRAL Rules”)

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*Between:*

**SEA SEARCH-ARMADA, LLC**

(“Claimant”)

- and -

**THE REPUBLIC OF COLOMBIA**

(“Respondent”, and together with Claimant, the “Parties”)

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**PROCEDURAL ORDER NO. 3**

**Procedural Calendar – Phase II**

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*Arbitral Tribunal*

Mr. Stephen L. Drymer (Presiding Arbitrator)

Mr. Stephen Jagusch KC

Dr. Claus Von Wobeser

*Registry*

Mr. José Luis Aragón Cardiel

Permanent Court of Arbitration

*Tribunal Assistant*

Ms. Dina Prokić

**8 April 2024**

## **I. PROCEDURAL BACKGROUND**

1. On 16 February 2024, the Tribunal issued its Decision on the Respondent's Preliminary Objections under Article 10.20.5 of the TPA, whereby it dismissed Colombia's objections.
2. On 20 February 2024, the Tribunal invited the Parties to confer and attempt to reach an agreement on the procedural calendar for the next phase of the proceedings.
3. On 7 March 2024, the Parties submitted a joint procedural calendar proposal to the Tribunal.
4. On 15 March 2024, having considered the Parties' proposals, the Tribunal requested the Parties to attempt to agree on an updated calendar proposal that would incorporate several suggestions from the Tribunal regarding, among other things, the potential filing of *amicus* submissions as well as the hearing duration, dates and venue.
5. On 23 March 2024, the Parties submitted an updated calendar proposal to the Tribunal and conveyed their agreement to hold a hearing at the facilities of the International Centre for the Settlement of Investment Disputes (ICSID) in Washington, D.C., USA.
6. On 4 April 2024, having been informed that ICSID's facilities were unavailable on the agreed dates of the hearing, the Tribunal invited the Parties to agree on an alternative hearing venue. That same day, the Parties agreed to hold the hearing at the facilities of the Permanent Court of Arbitration (PCA) in the Peace Palace, The Hague, the Netherlands.

## **II. PROCEDURAL CALENDAR**

7. Having consulted the Parties, the Tribunal hereby adopts the procedural calendar set forth in **Annex 1** to this Procedural Order for this phase of the proceedings ("**Phase II**").
8. Unless otherwise directed by the Tribunal, the provisions set forth in Sections 3.2 to 3.10 of Procedural Order No. 1, dated 22 August 2023, shall apply *mutatis mutandis* to the procedural calendar for Phase II.

## **III. DATES, VENUE AND FORMAT OF THE HEARING**

9. The Tribunal reserves the period between Tuesday, 25 November 2025 and Wednesday, 3 December 2025 (excluding Sunday, 30 November 2025) for the Phase II Hearing, which will last up to 8 days.
10. The Phase II Hearing shall be held in person at the facilities of the Permanent Court of Arbitration (PCA) in the Peace Palace, The Hague, the Netherlands.

11. The Tribunal shall in due course issue a procedural order convening the Phase II Hearing and establishing further details regarding its agenda, exact duration, and relevant technical and ancillary aspects.

**PLACE OF ARBITRATION: LONDON, UNITED KINGDOM**  
**DATE: 8 APRIL 2024**

**ON BEHALF OF THE TRIBUNAL:**



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**Mr. Stephen L. Drymer**  
**(Presiding Arbitrator)**

**ANNEX 1: PROCEDURAL CALENDAR – PHASE II**

Description	By	Days	Dates
<b><i>Initial Phase</i></b>			
Amended Statement of Claim with any Witness Statement(s) and Expert Report(s)	Claimant	100 (from the Parties' agreement – 6 March)	Friday, 14 June 2024
Statement of Defense, including any objection to the Tribunal's jurisdiction and/or counterclaim, with any Witness Statement(s) and Expert Report(s)	Respondent	120	Monday, 14 October 2024
Filing of any requests to intervene as <i>amicus curiae</i>	Prospective <i>Amicus Curiae</i>	21	Monday, 4 November 2024
Non Disputing Party Submissions + Filing of any <i>amicus curiae</i> brief	United States  <i>Amicus Curiae</i>	24	Thursday, 28 November 2024
<b><i>Document Production Phase</i></b>			
Request to Produce	Claimant and Respondent	49 (from Statement of Defense)	Monday, 2 December 2024
Response and Objections to Request to Produce	Claimant and Respondent	15	Tuesday, 17 December 2024
Production of Non-Objected Documents	Claimant and Respondent	15	Thursday, 2 January 2025

Response to Objections to Produce and reasoned applications for an order on production of documents in the form of a Redfern Schedule (Annex 2)	Claimant and Respondent	15	Friday, 17 January 2025
Decision on Request to Produce	Tribunal	15	Saturday, 1 February 2025
Production as ordered	Claimant and Respondent	30 (from Decision on Request to Produce)	Monday, 3 March 2025
<b>Written Pleadings</b>			
Reply with any Reply Witness Statement(s) and Expert Report(s)	Claimant	87 (from document production)	Thursday, 29 May 2025
Rejoinder with any Rejoinder Witness Statement(s) and Expert Report(s)	Respondent	90	Wednesday, 27 August 2025
<b>Oral Pleadings</b>			
Notification of witnesses and experts for the examination and the Hearing	Claimant and Respondent	45 before Hearing	Saturday, 11 October 2025
Pre-hearing Organizational Meeting	All	TBD	TBD
Hearing	All	90 from Rejoinder	Tuesday, 25 November 2025 to Wednesday, 3 December 2025 (excluding Sunday, 30 November 2025) (in reserve)
Post-Hearing Submissions (if any)	Claimant and Respondent	TBD	TBD
Costs Submissions	Claimant and Respondent	TBD	TBD
Award	Tribunal	N/A	N/A