

ANNEX B

Request for production of documents of the United Mexican States (January 13, 2025)

Silver Bull Resources, Inc. v. the United Mexican States
(ICSID Case No. ARB/23/24)

I. Introduction

1. This Request for Production of Documents (RFD) is submitted in accordance with §15 and Annex C of Procedural Order No. 1 (PO 1) dated February 26, 2024.
2. The Respondent has submitted this RFD based on the requirements outlined in §15.1 of PO 1 and Articles 3 and 9 of the 2020 IBA Rules on the Taking of Evidence in International Arbitration.
3. This document request uses the same defined terms as those in the Counter-Memorial (CM) submitted on December 23, 2024. Additionally, the following terms are used:
 - The term “Document” means any writing, communication, photograph, design, program, or data of any kind, whether recorded on paper, electronic medium, audio, visual, or any other format, as defined in the 2020 IBA Rules on the Taking of Evidence in International Arbitration (IBA Rules).
 - “Communications” refers to any Document exchanged between one or more employees of the Claimant or a related entity and a third party. This term includes, but is not limited to emails, letters, proposals, and notifications. It also includes any attachments or files appended to the communications.
 - “Internal Communications” refers to any Document exchanged between two or more employees of the Claimant or any related entity.
 - “Claimant”, in the context of a request, refers to SVB or any related entity, such as, but not limited to, Minera Metalín, Metalline, and Star Morning.
4. To avoid unnecessary repetition, the Respondent states that none of the requested documents are in its possession, custody, or control.
5. The Respondent further believes that the requested documents exist and are in the possession, custody, or control of the Claimant because they are documents that must have been created and/or filed by the Claimant in the ordinary course of its business operations.
6. Nothing in this RFD should be construed as an admission of the Claimant’s international liability.
7. Finally, if the Claimant alleges that any of the requested documents or categories of documents are confidential and/or subject to “privilege,” the Respondent respectfully requests that such

ANNEX B

documents be listed in list (*i.e. privilege log*), identifying the document, its date, author, recipient, and a brief description of its subject or matter.

8. Each document request from Mexico includes a specific justification. However, the Respondent provides below five general justifications, which should be read in conjunction with the specific justification for each request.

II. General Justifications of the Respondent

A. Documents Related to Causation

9. The Claimant attributes the failure of the Sierra Mojada Project to the exit of the company South32 in August 2022. In paragraph 2.209 of the Memorial, it states: “[w]ith the execution of the Termination Agreement and the loss of SVB’s critical financing and development partner for the Project, SVB understood that it would not be able to progress the Project further.”¹
10. Furthermore, throughout its Memorial, the Claimant has sought to blame the Respondent for the alleged departure of South32, linking it to the Respondent's alleged inaction regarding the 2019 Manifestation (*i.e.*, the Second Blockade) and South32's loss of patience due to the lack of resolution of the conflict with Mineros Norteños.² However, as explained in the Counter-Memorial, the true cause of the termination of the Option Agreement and South32’s departure from the Sierra Mojada Project was the litigation with the Valdez family and its consequences, including the lien (“embargo”) imposed over various Metalin properties to cover the debt of approximately US \$5.9 million owed to the Valdez family.³
11. The Respondent has also explained that the Claimant failed to comply with this ruling, resulting in the lien of certain properties to settle the outstanding debt with the Valdez family, including Metalin’s facilities, machinery, and movable assets related to its operations.⁴ The Respondent has argued that it was the lien of these properties that led to South32’s departure, not the lack of progress in resolving the conflict with Mineros Norteños or the alleged inaction of the Respondent regarding the Second Blockade.⁵
12. The requested documents are relevant to determining the actual cause of South32’s departure, which the Claimant directly links to the alleged indirect expropriation of its investment. They are also relevant to causation of the alleged damages, and therefore, are crucial for resolving the case.⁶

¹ Memorial, ¶ 2.209.

² Memorial, Section (H).

³ Counter-Memorial, ¶¶ 235-242, 246-249, 256-269.

⁵ Memorial, ¶¶ 34, 259, 263, 267, 509.

⁶ Counter-Memorial, ¶ 560.

ANNEX B

13. The Respondent believes that the requested documents exist and are in the possession of the Claimant, given their relevance to the viability of the Project and the obligations arising from the Option Agreement. Additionally, the Claimant referred to the litigation with the Valdez family in its Request for Arbitration and, in various sections of the Memorial, mentions communications exchanged with South32 regarding the potential departure of the investor, including conversations between Mr. Barry and South32 management.⁷ Furthermore, in its Counter-Memorial, the Respondent also identified documents where the Valdez family communicated with South32 and references to South32 and its departure from the Project in the exchanges between the Valdez family and Metalin.⁸

B. Documents Related to the Respondent's Ratione Temporis Objection to the Tribunal's Jurisdiction

14. The Respondent questions the Tribunal's jurisdiction *ratione temporis* because, under Articles 1116(2) and 1117(2), an investor cannot submit a claim to arbitration “if more than three years have elapsed from the date on which the investor first acquired, or should have first acquired, knowledge of the alleged breach and knowledge that the investor has incurred loss or damage.” Since the claim was submitted to arbitration on June 28, 2023, the Claimant implicitly takes the position that it was unaware of the violation and the damage during the more than 9 months between the Second Blockade and the starting point of this case (June 28, 2020). The Respondent considers this implicit assumption unreasonable.⁹
15. The requested documents are pertinent and relevant to the case and its outcome, as they will help confirm that the Claimant's claims under Article 1105 of NAFTA are time-barred because the Claimant knew of the alleged violation and the losses or damages more than three years before filing its Request for Arbitration, that is, before the *dies a quo*.
16. The Respondent believes that the requested documents exist and are in the possession of the Claimant, given their relevance to the viability of the Project.

C. Documents Related to the 1997 Contract and the 2000 Contract

17. The Respondent has explained that the 1997 Contract granted Star Morning (now Metalín) the exclusive right to explore the mining lots "Unificación Mineros Norteños" and "Vulcano," as well as the option to acquire the rights to the mining concessions, surface rights, and others.¹⁰ Similarly, as explained and confirmed by various Mexican tribunals, Clause Fifth established the obligation to begin exploitation work no later than 4 years from the date it acquired the rights to

⁷ Request for Arbitration, ¶¶ 3.57-3.63. Memorial, ¶¶2.207-2.208.

⁸ Counter-Memorial, ¶¶256-257. Report from Antonio Valdez to South32, **R-0062**. Letter of Intent sent by SBV to the Valdez family, **R-0045**.

⁹ Counter-Memorial, ¶¶ 311-322.

¹⁰ Counter-Memorial, ¶ 78.

ANNEX B

the mining concessions.¹¹ However, the Claimant has stated that Metalín was not obliged to pay royalties to Mineros Norteños because exploitation work had not begun.¹²

18. These documents are directly relevant to assess the Claimant's allegations regarding agreements with Mineros Norteños, particularly its alleged compliance with contractual obligations and its decision to exercise the purchase option in the 1997 Contract, which led to the 2000 Agreement. They are also important to evaluate the Claimant's intention to develop the concessions and fulfill the promises made to the local community, as outlined in the Counter-Memorial.¹³
19. The Respondent is not in possession or control the requested documents. It is reasonable to assume that these documents exist and are in the possession, custody, or control of the Claimant or its affiliates, as they relate to key contractual agreements central to this arbitration and are part of the Claimant's corporate records. This is particularly relevant since the Claimant has firmly stated that it was not obliged to pay royalties to Mineros Norteños. It is reasonable to assume that the requested documents were created to understand the scope of the obligations that the Claimant would acquire through the execution of the 1997 Contract and the 2000 Contract, as well as from the conflict with Mineros Norteños and the subsequent initiation of legal proceedings before Mexican tribunals.

D. Documents Related to the 2016 ("First Blockade") and 2019 ("Second Blockade") Demonstrations.

20. Throughout the Memorial, the Claimant and its witness, Mr. López Ramírez, recount the alleged events that occurred during the 2016 and 2019 demonstration, which are presented in an exaggerated manner as violent episodes in which Mineros Norteños reportedly committed multiple crimes.¹⁴
21. Contrary to the account presented by the Claimant and its witness, the Respondent has explained that both demonstration were peaceful demonstration by Mineros Norteños, whose aim was to seek an amicable resolution to a legitimate conflict caused by Metalín's failure to meet its contractual obligations.¹⁵
22. The requested documents are directly relevant to assess the Claimant's version of the events concerning the 2016 and 2019 demonstrations and its characterization of the actions carried out by Mineros Norteños and Metalín. These documents will also help demonstrate that the Claimant's narrative of the alleged criminal actions, threats, or supposed attempts at extortion by

¹¹ Counter-Memorial, ¶¶ 80-82 and Section F.

¹² Counter-Memorial, ¶ 77. Memorial, ¶2.63.

¹³ Counter-Memorial, ¶¶ 77-94.

¹⁴ Memorial, ¶2.72-2.87 and 2.111-2.150.

¹⁵ Counter-Memorial, ¶¶ 149-167 y 174-191.

ANNEX B

Mineros Norteños is false, as argued by the Respondent.

23. These records are important for evaluating the Claimant's allegations regarding the State's responsibility, as they will reveal whether the Claimant followed the necessary legal procedures before Mexican authorities, consistent with its claims, or if it took reasonable steps to address the demonstrations.
24. The Respondent does not possess or control the requested documents. It is reasonable to assume that these documents exist and are in the possession, custody, or control of the Claimant, as they relate to Metalín's internal management of the demonstrations and its contact with the authorities, both central elements of the Claimant's allegations. The Claimant itself has identified communications in its Memorial through which it allegedly became aware of the blockade, gave instructions to employees, communicated with its lawyers and various authorities, and met with certain officials, among others (Sections D and G). This includes emails between Mr. Barry and Mr. López, which the Claimant submitted, though incomplete.

E. Documents related to the Claimant's damage valuation

25. The Claimant and its expert have used three methods to calculate the fair market value of the Project: two under the market approach and one under the cost approach. Additionally, the Claimant has presented a valuation based on the sunk cost methodology.
26. The Respondent has raised criticisms of the valuations conducted by the Claimant's expert, including objections to the valuations under the "Multiple of Past Exploration Expenditure" (MEE). In this regard, the Respondent and its expert have pointed out that the Claimant has included "expenditures that have not been audited or reviewed [...] in any way [...] It also includes expenditures that are not related to exploration, and others that do not appear to have expanded the knowledge base of the project [...]"¹⁶
27. These documents are relevant to the case and essential for its resolution, as they will help confirm the errors made by the Claimant and its expert in the damage valuation under the cost approach.
28. The Respondent is not in possession or control of the requested documents. It is reasonable to assume that these documents exist and are in the possession, custody, or control of the Claimant, as they relate to Metalín's internal accounting and should have been created in the course of its business operations. Furthermore, given their relevance to the damage analysis, it is reasonable to assume that the Claimant and its expert have considered these documents and thus have them in their possession or control.

¹⁶ Counter-Memorial, ¶ 592.

ANNEX B

The Claimant's Introduction to its Responses to Mexico's Document Requests

1. In accordance with the schedule established by the Tribunal in its Procedural Order No. 1 dated 26 February 2024, as amended by agreement of the Parties and affirmed by the Tribunal's email to the Parties dated 28 October 2024, Silver Bull Resources, Inc. ("**SVB**" or the "**Claimant**") hereby provides its responses to the Respondent's document requests dated 13 January 2025.
2. As set forth herein, with respect to certain of Mexico's requests, SVB has agreed in good faith to carry out a reasonable search for and to produce non-privileged, responsive documents voluntarily on a rolling basis. The Claimant produces herewith a privilege log together with the documents it has agreed to produce voluntarily and located to date, as well as a redactions log. With respect to the remaining requests, the Claimant cannot agree to produce documents responsive to these requests, because the requests are either overbroad and would impose an undue burden on the Claimant; are not narrowly tailored to produce relevant and material documents; are vague; are confidential or implicate attorney-client privilege; or call for documents that are not in the Claimant's possession, custody, or control, or that are already in Mexico's possession, custody, or control.
3. In its responses to the Respondent's document requests, the Claimant applies the same terms set out in the Introduction to its own document requests dated 13 January 2025, as well as those terms defined in the Claimant's Memorial. The Claimant also refers in its responses to the IBA Rules on the Taking of Evidence in International Arbitration, which the Tribunal has adopted as guidelines in this proceeding, in particular Articles 3.3 and 9.2 of the IBA Rules.¹⁷

¹⁷ Procedural Order No. 1, dated 26 February 2024, para. 15.1.

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
1	<p>Communications between Claimant or any related company and South32, in connection with the litigation with the Valdez family.</p> <p>This request is limited to documents produced and/or submitted between October 1, 2020 (the date the Judgment of Appeal 87/2020 was issued) and September 30, 2022.</p>	<p>See General Justification A.</p> <p>In addition, clause 5.2 of the Option Agreement provided that SVB and Metalín could not create or allow liens to remain on Metalín, Metalín's properties or assets, unless approved by South 32. (see, C-0031, p. 46).</p> <p>Accordingly, it is clear that the liens arising from the Valdez family's lawsuit should have been communicated to South 32, otherwise a contractual breach of the Option Agreement would have occurred.</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce communications from 1 October 2020 to 30 September 2022 between the Claimant and/or Minera Metalín, on the one hand, and South32, on the other, in connection with the litigation with the Valdez family that are in the Claimant's possession, custody, or control, if and when located.</p> <p>Objections to remainder of the Request: Overbroad and vague.</p>	<p>Contrary to Claimant's allegations, the Respondent's request is not overly broad or vague.</p> <p>The Claimant itself has recognized that the Respondent has defined the term "any related entity" as "<i>Minera Metalín, Metalline and Star Morning</i>". Therefore, the Respondent's request encompasses those entities.</p> <p>On the other hand, regarding Claimant's argument on the purported erroneous description of the case, the Respondent must note that this is a disputed fact and</p>	<p>The Claimant says its search has already encompassed Minera Metalin.</p> <p>The Claimant shall extend its search to communications from 1 October 2020 to 30 September 2022 between, Metalline and Star Morning on the one hand, and South32, on the other, in connection with the</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Overbroad and vague: This Request calls for the production of communications between the Claimant “<i>or any related company</i>” and South32 in connection with the litigation with the Valdez family. Mexico, however, fails to define “<i>any related company</i>” or to explain what this includes. The Claimant notes that Mexico defines in its Introduction the “<i>Claimant</i>” as “<i>SVB or any related entity, such as, but not limited to, Minera Metalín, Metalline, and Star Morning</i>”. It is therefore unclear what additional “<i>related companies</i>” Mexico is referring to</p>	<p>therefore, the alleged erroneous description cannot serve as a justification to object to a request for documents. Document production is not a phase to litigate the case on the merits.</p> <p>The Respondent has demonstrated that this dispute arises from a private dispute between Mineros Norteños and Minera Metalín, in relation to the payment of royalties that Metalín agreed to pay to Mineros Norteños in exchange for the rights associated with two mining concessions.</p> <p>Metalín never initiated mining operations</p>	<p>litigation with the Valdez family that are in the Claimant’s possession, custody, or control, and produce any it locates.</p> <p>If the Respondent is able to identify any other “related company” likely to have engaged in such correspondence it may</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>here. This Request is therefore overbroad and vague in part.</p> <p>The Claimant is also compelled to point out that Mexico erroneously describes the Claimant’s case in its General Justification A by arguing that the Claimant “attributes the failure of the Sierra Mojada Project to the exit of the company South32 in August 2022”. Contrary to Mexico’s contention, the Claimant’s case is that Mexico caused the Claimant’s Sierra Mojada Project to fail as a result of Mexico’s arbitrary and unreasonable failure to take any action within its power to restore SVB’s</p>	<p>despite having the obligation to do so within a period of four years from the date of execution of the 1997 Contract, and failed to comply with its obligation.</p> <p>Mineros Norteños then initiated a pacific social demonstration to demand the payment of royalties. (Counter memorial, ¶¶ 13-19, Sections II. E, F and I)</p> <p>In addition, the Respondent has demonstrated that the enforcement of a judgement related to the lawsuit initiated by the Valdez’ family resulted in the seizure of 18 mining concessions</p>	make a further application.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>and Minera Metalín’s access to the Project site, dislodge Mineros Norteños and its encampment from SVB’s property, or sanction Mineros Norteños and its representatives for their unlawful actions (<i>See</i> Memorial ¶¶ 1.2, 2.202, 4.14-4.18). As a result, Mineros Norteños to this day continues to block the Project site with impunity and is exploiting the Project area unlawfully for its own financial gain (<i>See</i> Memorial ¶¶ 2.111, 3.28).</p> <p>Mexico’s assertion that “<i>the true cause of the termination of the Option Agreement and</i></p>	<p>comprising the Sierra Mojada Project. The imminent seizure was informed by Mr. Antonio Valdez to South 32, which is the real cause of the termination of the Option Agreement. (Counter memorial, ¶¶ 225-227, 259.)</p> <p>The requested documents are relevant to assess the reports given by Claimant to South 32 in accordance with its obligations. (Counter memorial, ¶ 260)</p> <p>The Respondent notes that the Claimant has conditioned its search for responsive documents “if and when</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>South32's departure from the Sierra Mojada Project was the litigation with the Valdez family and its consequences</i>" is equally without merit. As the Claimant explained in its Memorial and will reiterate in its Reply, Mexico's continued failure to take any action in its power to end the Continuing Blockade and restore SVB's and Minera Metalín's access to the Project site is what caused South32 to terminate the Option Agreement, and not the baseless Valdez litigation (Memorial ¶¶ 2.206-2.211).</p> <p>As set forth above, the Claimant nonetheless has agreed to conduct a</p>	<p>located." Accordingly, the Respondent emphasizes that the Claimant's failure to make best efforts in searching for documents within its possession, custody, or control does not excuse its non-production of the requested documents and, if it finds responsive documents at a later date, it must produce them.</p> <p>Lastly, the Claimant appears to reserve its right to raise "any of its other objections," yet the Respondent is not aware of any such objections at this time and is therefore unable to respond. The</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				reasonable search for and to produce responsive communications between the Claimant and/or Minera Metalín and South32, if and when located.	Claimant has only asserted that the request is "overbroad and vague," which, as previously explained, is inaccurate.	
2	Communications exchanged between Claimant and South32 regarding South32's decision to abandon the Sierra Mojada Project and the alleged 2016 and 2019 blockades. As well as any information submitted by Claimant reporting the facts and claims of Mineros Norteños arising from the events of the 2016 and 2019 blockades.	See General Justification A. The justification for Request No. 1 is incorporated <i>mutatis mutandis</i> into this Request No. 2.		Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce communications exchanged between the Claimant and South32 regarding (i) South32's 31 August 2022 decision to withdraw from the Option Agreement, (ii) the Initial and Continuing Blockades, and (iii) Mineros Norteños's claims	The reply to the Claimant's objection to Request No. 1 is hereby incorporated <i>mutatis mutandis</i> into the reply to the objections of this Request No. 2.	No order appears to be required.

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	This request is limited to documents prepared and/or submitted during the period of negotiation of the Option Agreement and up to August 31, 2022 date on which Claimant and South32 entered into the Termination Agreement.			related to the Initial and Continuing Blockades that are in the Claimant's possession, custody, or control, if and when located. For the avoidance of doubt, as set out above in Request No. 1, the Claimant objects to Mexico's baseless characterization of the Claimant's case and the reasons for South32's withdrawal from the Option Agreement.		
3	Internal documents and communications, such as minutes of Silver Bull-Metalin board meetings, notes, memoranda, emails, and other documents	See General Justification A. The justification for Request No. 1 is incorporated <i>mutatis mutandis</i> into this Request 3.		Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce	The reply to the Claimant's objection to Request No. 1 is hereby incorporated <i>mutatis mutandis</i> into this reply to Request No. 3.	No order appears to be required.

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>of a similar nature discussing the reasons and/or implications of South32's exit or potential exit from the Sierra Mojada Project.</p> <p>This request is limited to documents prepared and/or submitted between September 8, 2019 and September 30, 2022.</p>			<p>responsive documents that are in the Claimant's possession custody, or control, if and when located.</p> <p>For the avoidance of doubt, as set out above in Request No. 1, the Claimant objects to Mexico's baseless characterization of the Claimant's case and the reasons for South32's withdrawal from the Option Agreement.</p>		
4	<p>Communications and reports prepared by the Claimant pursuant to clause 8.3.1c (Force Majeure) of the Option Agreement between the Claimant and South32.</p>	<p>See General Justification A. The justification for Request No. 1 is incorporated <i>mutatis mutandis</i> into this Request 4.</p> <p>Furthermore, pursuant to clause 8.1.1c of the Option Agreement between the Claimant and South32 (Exhibit C-31, p. 53), "The Party that is prevented</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce responsive documents that are in the Claimant's possession, custody, or</p>	<p>The reply to the Claimant's objection to Request No. 1 is hereby incorporated <i>mutatis mutandis</i> into this reply to Request No. 4.</p> <p>In addition, contrary to the Claimant's views, its allegations regarding</p>	<p>Despite the disputes between the parties as to the relevant date for knowing of the alleged treaty breach and</p>

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>This request refers to any such documents described above prepared between October 11, 2019 (the date of the Force Majeure Notice) and August 31, 2022 (the date of termination of the Option Agreement).</p>	<p>from carrying out its obligations under this Agreement as a result of Force Majeure must: [...] (c) inform each other Party within every thirty (30) days any other period agreed in writing by the Parties) after the date of notification of the Force Majeure pursuant to section 8.2 of the ongoing effect of, and the steps taken to remove the effects of, the Force Majeure.” According to the Claimant’s Memorial, SVB issued a Force Majeure Notice in October 2019 (¶ 2.202).</p> <p>The Respondent has argued that the Claimant had or should have had knowledge of the alleged treaty breaches and their economic impact before the <i>dies a quo</i> (June 28, 2020) and, for that reason, the claims for violation of Article 1105 are time-barred. (See, e.g., Counter-</p>		<p>control, if and when located.</p> <p>For the avoidance of doubt, as set out above in Request No. 1, the Claimant objects to Mexico’s baseless characterization of the Claimant’s case and the reasons for South32’s withdrawal from the Option Agreement.</p> <p>In addition, Mexico’s assertions regarding the Claimant’s knowledge of Mexico’s treaty breaches and their economic impact are unfounded and wrong. As the Claimant explained in its Memorial, Mexico’s breaches of the NAFTA in this case are continuing in nature,</p>	<p>the date in which it “<u>first</u>” acquired knowledge of purported treaty breaches and their economic impact are a contested fact in this arbitration. The Respondent has argued that even in the case of a continuing act, the relevant date for the computation of the limitation period is the date on which the investor “<u>first</u>” became aware of the breach and the damage. Also, the Claimant was aware of the alleged breach of the treaty prior to the <i>dies a quo</i>. (Counter Memorial Section III. A. 1. (a) (1)).</p> <p>Regarding the Claimant’s allegations</p>	<p>concerning mitigation, it appears the Claimant has agreed to search for and produce any (unprivileged) documents responsive to this request. If that is so, no order is required. If not, then the request is granted.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>Memorial, ¶¶ 280-285, 300-304).</p> <p>The requested reports are relevant to this Request 4, as they are presumed to contain information that the Claimant knew and communicated to South32 at the time in relation to the 2019 Demonstration (“Second Blockade”), as well as the steps taken to resolve it.</p> <p>The reports are also relevant to the issue of mitigation, as they are also presumed to contain a summary of the actions taken by Metalin and/or Claimant to reach an agreement with Mineros Norteños. The requested documents are also material to the outcome of the case as they relate to a jurisdictional objection that could dispose of the claim for violation of Article 1105.</p>		<p>spanning from the commencement of the Continuing Blockade in September 2019 until the present (<i>See</i> Memorial ¶¶ 3.25, 3.28). The Claimant’s knowledge of Mexico’s actions and inactions before 28 June 2020 that form part of that continuing breach are not in dispute.</p> <p>The limitation period under NAFTA Articles 1116(2) and 1117(2) starts to run only when the investor, or its enterprise, has acquired <i>both</i> knowledge of the alleged breach <i>and</i> knowledge that it has incurred loss or damage as a result. In the present case, Mexico’s continuing breaches of</p>	<p>that the issue of mitigation is baseless and irrelevant, Mexico has argued that Claimant had several options to avoid all or part of the damages it claims. (Counter memorial, ¶¶ 563-573).</p> <p>As explained by the Respondent, pursuant to clause 8.1.1c of the Option Agreement between the Claimant and South32 (Exhibit C-31, p. 53), it had the obligation to submit reports to South32 every 30 days on the steps taken to remove the effects of the Force Majeure.</p> <p>Therefore, the Respondent has</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>The requested documents are presumed to exist given the contractual obligation to prepare them.</p> <p>In addition, the documents are deemed to be in Claimant's possession or under Claimant's control in view of the fact that they constitute corporate records normally kept in the ordinary course of business.</p>		<p>the NAFTA resulted in losses and damage to SVB and Minera Metalin in August 2022, when South32 terminated the Option Agreement due to the Continuing Blockade and Mexico's continuing inaction, marking the end of the Project. SVB filed its RFA on 28 June 2023, <i>i.e.</i>, within three years after SVB lost its entire investment in the Project as a direct result of Mexico's continuing breaches.</p> <p>Likewise, Mexico's arguments regarding the alleged "<i>issue of mitigation</i>" are baseless and irrelevant. Mexico speculates that the requested documents "<i>are presumed to contain</i></p>	<p>established that numerous reports must have been prepared for South 32 in relation to what it calls the "Second Blockade" and that those documents are relevant and substantial to the outcome of this arbitration.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>a summary of the actions taken by Metalin and/or Claimant to reach an agreement with Mineros Norteños</i>". Mexico has provided no basis to support such a contention. Moreover, SVB was under no obligation to accede to Mineros Norteños's extortionate demands, as Mexico erroneously suggests. Multiple levels of the Mexican judiciary adjudicated Mineros Norteños's claims for premature royalties, and in each instance the courts dismissed (or affirmed the dismissal of) such claims (Memorial ¶ 2.69). Having failed to obtain premature royalties lawfully through the</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>courts, Mineros Norteños (encouraged by Federal Deputy Borrego) took matters into its own hands and sought to unlawfully obtain these royalties by force (Memorial ¶ 2.111). Regardless of whether Mexico sympathized with Mineros Norteños, Mexico had a duty and an obligation to uphold the rule of law. It failed to do so.</p> <p>In any event, the Claimant has already exhibited the <i>force majeure</i> notice that it communicated to South32 at the time (Exhibit C-35), which sets out the Claimant's position regarding the illegal actions taken by</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				Mineros Norteños and the effect of such illegal actions on the Project. And, as set out above, the Claimant has agreed to conduct a reasonable search for and to produce additional documents responsive to Request No. 4.		
5	<p>Communications sent or received by the Claimant or its subsidiaries, as well as internal documents discussing:</p> <p style="padding-left: 40px;">a. the Mexican Government's alleged failure to act against the 2019 Demonstration ("Second Blockade");</p>	<p>See General Justification B.</p> <p>Likewise, while the documents identified in item c should have been filed before the Mexican authorities, it is unreasonable to expect Respondent to coordinate a search for the documents within the entire Mexican Government. To the extent that the Claimant has documents responsive to this Request 5, it would be much less burdensome for the Claimant to disclose and produce them, consistent with</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce documents responsive to subparts (a), (b), and part of (c), as narrowed by the Claimant below, that are in the Claimant's possession, custody, or control, if and when located.</p>	<p>As previously explained, contrary to the Claimant's view, its allegations regarding the date in which it first acquired knowledge of purported treaty breaches and their economic impact are a contested fact in this arbitration. The Respondent has argued that even in the case of a continuing act, the relevant date for the</p>	<p>Insofar as the Claimant has not agreed to it, this request is granted in relation to c and d as set out below.</p> <p>As regards c, this order is limited to copies of any complaints</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>b. any damage, injury or loss caused by the Second Blockade to the Sierra Mojada Project;</p> <p>c. any complaint of property theft, property damage, kidnapping, property dispossession or any other crime reported to the Public Prosecutor's Office, and;</p> <p>d. Any action taken to execute</p>	<p>the principle of cooperation and good faith that governs this arbitration.</p>		<p>Objections to remainder of the Request: Relevance and materiality; possession, custody, or control.</p> <p>Relevance and materiality: Mexico seeks to justify this Request based on General Justification B, which relates to its <i>ratione temporis</i> objection, but fails to explain how the communications it seeks are relevant to that objection or material to its outcome. In addition, the documents called for in subpart (d) of this Request are not relevant to this dispute or material</p>	<p>computation of the limitation period is the date in which the investor first became aware of the breach and the damage. Also, the Claimant knew of the alleged treaty breach prior to the <i>dies a quo</i>. (Counter Memorial Section III. A. 1. (a) (1)).</p> <p>In addition, Respondent has explained that the requested documents will help to confirm that the Claimant's claims under Article 1105 of NAFTA are time-barred because the Claimant knew of the alleged violation and the losses or damages more than three years before filing its Request for</p>	<p>made to the Public Prosecutor's Office; as a practical matter it is likely to be easier for the Claimant to find and produce copies of any such complaints than for the Respondent.</p> <p>As regards d, for the reasons given by the Respondent, insurance claims may well be relevant and</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>insurance policies for theft or damage against their goods or property in Sierra Mojada.</p> <p>This Request 5 is limited to documents prepared and communications received or sent between September 8, 2019 (date of the Second Blockade) and August 31, 2022 (date of South32's exit).</p>			<p>to its outcome for at least one other reason.</p> <p>Mexico fails to explain why a purported insurance claim for theft or damage by the Claimant would be relevant or material to the issues in dispute in this case. Nor has Mexico established any factual predicate for such a request. Subpart (d) is a classic fishing expedition that is contrary to the principles governing document production in this case.</p> <p>Moreover, for the avoidance of doubt and as set out above in response to Request No. 4, the Claimant objects to Mexico's baseless</p>	<p>Arbitration, that is, before the <i>dies a quo</i>.</p> <p>The execution of insurance policies for theft or damage against their goods or property in Sierra Mojada will clearly demonstrate that Claimants knew of their alleged losses before the <i>dies a quo</i>. Therefore, the Claimant's objection that Mexico has not explained the materiality and relevance of these documents is unfounded.</p> <p>With respect to the Claimant's objection regarding "possession, custody, or control," the Respondent notes that while the Claimant has</p>	<p>material. However, this order is limited to copies of any insurance claims actually made; otherwise, the request is unclear.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>characterization of the Claimant’s case and the timing of its purported knowledge regarding Mexico’s treaty breaches and their economic impact in Mexico’s General Justification B.</p> <p>Possession, custody, or control: Mexico’s Request No. 5(c) calls for the Claimant’s communications or internal documents “<i>discussing . . . any complaint of property theft, damage, kidnapping, property dispossession, or any other crime reported to the Public Prosecutor’s Office</i>”. Subject to any applicable privilege, and without waiving any of its other objections, the</p>	<p>agreed to “conduct a reasonable search for <i>internal</i> documents,” Mexico’s request was not limited to internal communication. Accordingly, the Respondent maintains that the search must also include “Communications,” as defined in the Respondent’s request, including those with third parties.</p> <p>The Respondent further notes the Claimant’s reluctance to produce documents under subcategory 5(c), which relate to its complaints before authorities concerning alleged crimes committed during Mineros</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Claimant agrees to conduct a reasonable search for <i>internal</i> documents discussing these topics, if and when located.</p> <p>However, in addition to these internal documents, subpart (c) of this Request also appears to extend to the actual complaints reported to the Public Prosecutor's Office. Such documents are already in Mexico's possession, custody, or control, and the Claimant therefore objects to the production of these documents.</p> <p>There can be no dispute that Mexico has in its possession any complaints reported to its</p>	<p>Norteños' protests. The Respondent simply observes that it is the Claimant who has made these allegations and, therefore, bears the burden of proving them. The Claimant's unwillingness to produce these documents only reinforces the conclusion that these allegations are exaggerated and baseless.</p> <p>In any event, the Respondent has established that, it would be much less burdensome for the Claimant to disclose and produce the documents, consistent with the principle of</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Public Prosecutor's Office. Nor is it unreasonable or burdensome for Mexico to request such documents from its own prosecutorial bodies, as it contends without basis. Indeed, Mexico has already obtained (but failed to produce) Criminal File No. 0902/SP/UISO/2019 addressing Minera Metalín's criminal complaint (Counter-Memorial ¶ 214). As Mexico's own Counter-Memorial confirms, Mexico has the ability to obtain relevant documents from its own prosecutorial bodies. Mexico cannot shift onto the Claimant its duty to locate documents to</p>	<p>cooperation and good faith that governs this arbitration.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>which it already has access.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny subpart (c) in part, as well as subpart (d), of Request No. 5, consistent with the Claimant's above-stated objection.</p>		
6	<p>Communications and documents relating to discussions, negotiations or settlement offers with Mineros Norteños, as well as any analyses or responses by Claimant or its affiliates, relating to any counterproposals or responses to settlement offers made by Mineros Norteños,</p>	<p>The Respondent has argued that the Claimant materially contributed to the damages it claims to have suffered by refusing to enter into meaningful negotiations with Mineros Norteños, despite having had multiple opportunities to resolve the dispute. (Counter-Memorial, ¶¶ 560, 563-573).</p> <p>Claimant justifies the rejection of the proposals submitted by Mineros Norteños by arguing</p>		<p>Objections to the request: Relevance and materiality; legally privileged/confidential.</p> <p>Relevance and materiality: The requested documents relate to the commercial dispute between Mineros Norteños and Minera Metalín; they are not relevant or material to the present dispute,</p>	<p>The response to the Claimant's objection to Request No. 1 is hereby incorporated <i>mutatis mutandis</i> into this response to Request No. 6.</p> <p>In addition, the Respondent has argued that the Claimant actively and negligently contributed to its loss by breaching its</p>	<p>Granted for the reasons given by the Respondent. The Claimant shall provide a privilege log in respect of any documents withheld or redactions made.</p>

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>including the March 2016 proposal and the August 11, 2020 proposal.</p> <p>This Request 6 is limited to documents prepared between September 8, 2019 (the date of the 2019 Demonstration) and August 31, 2022 (the date of termination of the Option Agreement),</p>	<p>that they were “totally unreasonable.” (Claimant’s Memorial, ¶2.172).</p> <p>The Respondent, on the other hand, considers that they were more than reasonable given Metalin’s commitment to commence operations within 4 years of the execution of the 2000 Agreement. As explained in the Counter-Memorial, the Respondent considers that it was the Claimant’s intransigence in the face of a problem that it itself provoked that caused the conflict with Mineros Norteños to extend over several years. (Counter-Memorial, ¶¶ 19, 547-551).</p> <p>The requested documents will demonstrate that the proposals were rejected for reasons other than their alleged “unreasonableness” and that</p>		<p>which is between the Claimant and Mexico.</p> <p>As set forth above in response to Request No. 1, the issue in dispute in this case is whether Mexico violated its obligations under the NAFTA by arbitrarily and unreasonably failing to take any action in its power to remove the Continuing Blockade and to permit SVB and Minera Metalín to access the Project site, as Mexico did during the Initial Blockade imposed by Mineros Norteños in 2016. The content of any counterproposals or responses from the Claimant to purported settlement offers made by Mineros Norteños –</p>	<p>contractual obligations with Mineros Norteños and not engaging seriously with their settlement proposals (Counter memorial, ¶ 571). The requested documents are relevant and material to assess whether Claimant had the opportunity to solve the problem with Mineros Norteños and failed to do so as a consequence of its own negligence. This is significant to the merits of the case, as it may demonstrate that the alleged breaches of the Respondent’s obligations were, in fact, a consequence of the Claimant’s own actions. Furthermore, these documents may</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>Claimant never made genuine efforts to address the settlement proposals, particularly the March 2016 proposal and the August 11, 2020 proposal referred to in ¶¶ 548-549 of the Counter-Memorial.</p> <p>The documents are also relevant in assessing the Claimant's conduct and its possible contribution to the loss it claims to have suffered as a result of Respondent's alleged violations. For this same reason, the Respondent considers them to be material to the resolution of the case.</p> <p>The Respondent is not in possession or control of the requested documents and there are reasons to believe that these documents exist and are in Claimant's possession, custody or control because (i) Claimant acknowledges receiving</p>		<p>while Mineros Norteños held the Claimant and its employees hostage and denied them entry to or exit from the camp – are irrelevant and immaterial to that question. As noted above, regardless of Mexico's sympathy for Mineros Norteños and belief that Mineros Norteños's proposals were "<i>more than reasonable</i>", Mexico had a duty and an obligation to uphold the rule of law. It failed to do so.</p> <p>Legally privileged/confidential: To the extent this Request calls for the production of documents whereby the Claimant and/or its affiliates requested or received</p>	<p>also be relevant to the assessment of damages, as they could support a finding of contributory negligence. Accordingly, the Claimant's objection on relevance and materiality is unfounded, and any refusal to produce these documents should be seen as further evidence of its unwillingness to engage constructively with Mineros Norteños.</p> <p>To the extent that Claimant considers that the requested documents are confidential, it should provide a privilege log identifying the documents, their subject matter, their author(s)</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>settlement proposals from Mineros Norteños in both March 2016 and August 2020 (Claimant’s Memorial, ¶¶ 2.171-2. 173); (ii) Claimant’s own evidence shows that Mr. Barry instructed Mr. López regarding communication with Mineros Norteños (Claimant’s Memorial, ¶ 2.172), indicating internal discussions about settlement proposals; and (iii) as a sophisticated mining company, Claimant would normally document its analysis of and response to settlement proposals.</p>		<p>legal advice regarding Mineros Norteños’s purported settlement offers, those documents would be legally privileged on the basis of the attorney-client privilege and/or the attorney work product privilege (See IBA Rules, Article 9(2)(b)). The attorney-client privilege and the attorney-work-product privilege protect from disclosure not only the written work product of counsel and direct communications with counsel, but also documents that reflect deliberations or analysis on the basis of counsel’s legal advice. As framed by Mexico, the requested documents would also</p>	<p>and recipient(s) and the grounds for alleging privilege.</p> <p>The Respondent notes that the Claimant has framed its objection as applying “to the extent this Request calls for the production of documents whereby the Claimant and/or its affiliates requested or received legal advice regarding Mineros Norteños’s purported settlement offers” and discussions of such legal advice. However, Mexico’s request did not make this distinction. Accordingly, the Respondent considers the Claimant’s broad objection to be</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>record the substance of any settlement discussions and therefore would also be covered by confidentiality.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico’s Request No. 6.</p>	<p>unfounded. At a minimum, the Claimant should produce internal communications reflecting discussions of the settlement offers that are unrelated to legal advice on that matter.</p>	
7	<p>Communications and documents exchanged between SVB personnel and shareholders and investors of SVB or the Project in connection with any of the following topics:</p> <p style="padding-left: 40px;">a. the exit or potential exit of South32,</p>	<p>In paragraph ¶ 2.210 of the Claimant’s Memorial, the Claimant also states: “As Messrs. Barry and Edgar note, the Termination Agreement marked the end of the Sierra Mojada Project, culminating in SVB’s loss of its entire investment in the Project as a direct result of Mexico’s actions and failures to act.”</p> <p>In paragraph ¶ 2.211 of the Claimant’s Memorial, the</p>		<p>Objections to the Request: overbroad and unduly burdensome; possession, custody, or control.</p> <p>Overbroad and unduly burdensome: This Request calls for the production of communications and documents “<i>exchanged between SVB personnel and shareholders and</i></p>	<p>The four topics identified in items (a) through (c) are not overly broad. They are very specific (i.e., the matters, relevant actors, and dates have been duly identified) and are intimately related to the subject matter of this dispute. Claimant’s objections fail to explain and justify why documents prepared by</p>	<p>Granted, but limited to copies of 10Ks and similar filings (which, as a practical matter, it will be easier for the Claimant to provide) transcripts of investor calls</p>

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>b. the Second Blockade, c. the alleged “hostile attitude of the AMLO Government to foreign mining companies”, and d. the alleged impossibility to continue with the Project.</p> <p>This request is limited to documents prepared or exchanged between September 8, 2019 (date of the second Demonstration by Mineros Norteños) and August 31, 2022 (date</p>	<p>Claimant alleges that Mr. Barry “spoke with SVB’s existing shareholders and investors, and they all agreed that there was no hope for the Project and that SVB thus should move to pursue other opportunities elsewhere.”</p> <p>The requested documents are intended to refute the claim that the Project failed due to the 2019 Demonstration and Mexico’s alleged inaction, as well as to clarify what information, if any, was conveyed to SVB’s shareholders and investors regarding the lawsuit with the Valdez family when they concluded that “there was no hope for the Project.”</p> <p>As noted elsewhere in this request, the Respondent argues that the Project failed due to the seizure (“embargo”) on Minera Metalín’s assets to cover the</p>		<p><i>investors of SVB or the Project”</i> concerning four broad topics over a three-year period.</p> <p>As the Claimant explained in its Memorial, SVB is a publicly held company that is listed on the Toronto Stock Exchange and trades on the OTCQB over-the-counter market (Memorial ¶ 3.5). As such, it has many shareholders that fluctuate subject to publicly executed trades. Mexico’s request would encompass not only 10K or similar filings made by SVB (which are publicly available, as noted below) but indeed every communication</p>	<p>SVB to inform its shareholders and investors about the topics covered in items (a) through (c) would be overly burdensome to produce. For the avoidance of doubt, the request does not concern communications between shareholders or between investors. The request only concerns documents prepared by SVB or its affiliates to inform those shareholders and investors about certain specific and narrowly defined subjects concerning the Sierra Mojada Project. Moreover, the Claimant does not deny that the documents exist and are</p>	<p>(if any), and communications to South32 (if any).</p> <p>Otherwise too broad, and unlikely to provide information that is material that is not otherwise available.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	of termination of the Option Agreement).	<p>outstanding debt owed to the Valdez family. The Respondent further considers that SVB's shareholders were duly informed of this lawsuit and were aware of the problem it posed for the future of the Project.</p> <p>The requested documents are relevant to these arguments and, therefore, are relevant to the issue of causation. For that reason, they are also material to the outcome of this case.</p> <p>The Respondent submits that it is reasonable to assume that the requested documents exist and are in the Claimant's possession given their relevance to the decision to abandon the Project, which the Claimant wrongly attributes to Mexico's alleged inaction in connection with the 2019 Demonstration.</p>		<p>exchanged with shareholders concerning the Continuing Blockade, plus other enumerated topics during this three-year period. Such a request is overbroad and unduly burdensome.</p> <p>Possession, custody, or control: As noted, SVB is a publicly held company that is listed on the Toronto Stock Exchange and trades on the OTCQB over-the-counter market (Memorial ¶ 3.5). Publicly listed companies communicate with actual or prospective investors publicly, via investor calls, 10Ks, and similar filings. Such documents</p>	<p>in its possession, custody or control.</p> <p>The four topics identified in the request are of the outmost relevance to case and will serve to evaluate the Claimant's actions and inactions in relation to the events at the centre of this case, such as the so-called Second Blockade and the exit of South32.</p> <p>Additionally, the Claimant did not indicate whether all communications exchanged between SVB and its shareholders or investors are public. The Respondent seeks to evade the request by</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>are publicly available, and Mexico improperly seeks to shift the burden of locating those documents from itself to the Claimant.</p> <p>For the avoidance of doubt and as set out above in Request No. 1, the Claimant objects to Mexico's baseless characterization of the reasons for South32's withdrawal from the Option Agreement.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 7.</p>	<p>claiming that the requested documents (e.g., calls, 10ks or similar filings) are public and the Respondent can access them. The Respondent acknowledges that some of the requested documents may be publicly available (e.g., the 10-k reports), however, it is clear that there could be documents falling within this request that are not public, such as the communications between the Claimant and South32 (which was an investor in the Sierra Mojada Project) in relation to the topics identified in the request.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
					<p>The Respondent further submits that the request is clearly restricted to a defined and not overly extended time period. Mexico observes that the Claimant itself has requested the Respondent to produce documents created almost a decade ago but objects to this request on the basis that the respective documents extend over a “three-year period”, which is not consistent with its own requests. The Claimant has not explained either why such a time period would be unreasonable. As such, the Respondent maintains that the request is</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
					sufficiently specific and not overly burdensome.	
8	<p>Communications sent or received by the Claimant or its subsidiaries, or internal Communications relating to any attempt to sell the Project to a third party to recover at least part of the alleged damages. This request includes internal discussions regarding the feasibility of selling the Project, offers sent to potential buyers and their respective responses.</p> <p>This request is limited to documents prepared or exchanged between September 8, 2019</p>	<p>The Respondent has argued that the Claimant had an obligation to mitigate its losses by attempting to sell the Project or its assets in order to recover at least part of the alleged damages. (Counter-Memorial, ¶¶ 36-38, 571).</p> <p>The requested documents are relevant to elucidate how and to what extent the Claimant attempted to comply with this obligation.</p> <p>The Claimant itself has asserted that “no reasonable investor would be interested in a mining project illegally blockaded for nearly three years with no hope of any Government intervention” (Claimant’s Memorial, ¶ 2.209), but offered no evidence to support this</p>		<p>Objections to the Request: Relevance and materiality.</p> <p>Relevance and materiality: Beyond its bare assertions regarding the alleged duty to mitigate damages, Mexico has not explained how documents relating to an attempted sale of the Project would be relevant or material to the issues in dispute. Nor are the requested documents relevant or material to mitigation. It is not incumbent on an investor whose investment has been deprived of its value by the State to sell that impaired investment</p>	<p>The Claimant’s allegation that the issue of mitigation is baseless and irrelevant cannot be used as grounds to deny a request, as this is a contested issue. Mexico has argued that Claimant had several options to avoid all or part of the damages it claims and thus it has provided sufficient grounds for the requested documents to be considered relevant to the case and material to its outcome (Counter memorial, ¶¶ 563-573).</p> <p>It is clear that a potential sale of the project would “avoid all or part of the damages” that Claimant</p>	<p>Granted only as regards any written offers to acquire the Project. Any such offers might well be relevant and material to mitigation.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	(the date of Mineros Norteños' second Demonstration) and the present.	assertion, other than the witness statements of Mr. Barry (¶ 8.7) and Mr. Edgar (¶ 7.8). If this is true, the Claimant or its witnesses should have in their possession the existing supporting documents.		to mitigate damages. In order to make out its case on mitigation, Mexico would have to show that it would have been reasonable for the Claimant to sell the Project during the Continuing Blockade, but Mexico has not even attempted to do so. Moreover, having been blockaded by Mineros Norteños and denied any protection by the Mexican Government, it cannot be said that the Claimant had a duty to sell the very asset of which it had been deprived. For these reasons, the Claimant respectfully requests the Tribunal to	claims. (Counter-Memorial, ¶ 563)	

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				deny Mexico's Request No. 8.		
9	<p>Purchase contracts or agreements of a similar nature by which the Claimant acquired the rights to the mining concessions it claims to own, and any other documents evidencing ownership, lease or surface rights to lots, buildings or real estate for the development of its project, as well as any documents containing information on the terms in which these concessions were acquired, and whether they are free of encumbrances, including, but not limited to, judicial seizures ("embargos")</p>	<p>As noted in the Counter-Memorial (¶¶ 50-52, 72) and in the expert report of Mr. Carlos del Razo (¶¶ 97-101), there are discrepancies between the number and area covered by the concessions that the Claimant claims to hold.</p> <p>The requested documents are directly relevant to clarify which mining concessions were held by the Claimant on the relevant dates and what rights were vested in the Claimant through the contracts sought in this document request.</p> <p>See ¶¶ 3.6 of the RfA, ¶¶ 2.2, 2.9, 2.19 and 2.20 of Claimant's Memorial, and ¶¶ 4.5, 4.6, 4.21-4.23 of Mr. Barry's Witness Statement.</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce responsive documents evidencing the Claimant's acquisition and ownership of the <i>Veta Rica o la Inglesa</i> concession and surface rights related to the Sierra Mojada Project that are in the Claimant's possession, custody, or control, if and when located.</p> <p>Objections to remainder of the Request: Relevance and</p>	<p>At the outset, the Respondent notes that the Claimant had the obligation to conduct the search and produce the responsive documents to which it does not object <u>together</u> with its objections. The Claimant clearly has failed to comply with this obligation as acknowledged by the phrase: "the Claimant agrees to conduct a reasonable search for and to produce responsive documents".</p> <p>The request is not, as the Claimant contends, overbroad, unduly burdensome and vague.</p>	<p>In addition to the documents the Claimant has agreed to search for and produce, the Claimant shall conduct a reasonable search for and produce any purchase documents in respect of the rights allegedly held, or any documents evidencing any encumbrances, over any of</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	or other legal limitations.	<p>In particular, the requested documents will serve to clarify whether the Claimant has valid and unencumbered rights over the concessions it includes in its claim, as highlighted in the Respondent's Counter-Memorial (¶ 52).</p> <p>The information is also important in determining the extent of the damages claimed.</p> <p>It is reasonable to assume that these documents exist and are in the Claimant's possession, custody or control, as they are fundamental to the Claimant's alleged rights to the concessions and directly support its claims in this arbitration.</p>		<p>materiality; overbroad and unduly burdensome; vague; possession, custody, or control.</p> <p>Relevance and materiality: This Request calls for the production of contracts or agreements evidencing the Claimant's acquisition of the rights to the mining concessions "<i>it claims to own</i>". In its justification, Mexico refers to its Counter-Memorial (¶¶ 50-52), which states, in relevant part, that "[o]f the 20 concessions that Claimant claims to hold, Minera Metalin only held 19 concessions" (¶ 50). There is therefore only one concession that Mexico now challenges:</p>	<p>The request is very specific. It concerns the documents demonstrating that Minera Metalin has the mining and surface rights the Claimant claims it has over the concessions that allegedly constitute its investment for the purposes of this arbitration, an element that is critical to establish the Tribunal's jurisdiction <i>ratione materiae</i>.</p> <p>Moreover, the Claimant fails to acknowledge that mining concessions are not static legal acts; they evolve through transactions that affect their status and value. .</p>	<p>the 20 concessions. Such documents may well be relevant and material. Otherwise the request is overbroad.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>Veta Rica o la Inglesa</i> (Compare Exhibit C-51 at 13 with Counter-Memorial ¶ 50). Yet Mexico fails to explain why, if ownership of only one of the 20 concessions is in dispute, contracts or agreements evidencing ownership of <i>all</i> 20 concessions would be relevant to this dispute or material to its outcome.</p> <p>Overbroad, unduly burdensome, and vague: Likewise, because Mexico appears to challenge the Claimant's ownership as to only one of the Claimant's 20 concessions, its request for contracts or agreements evidencing</p>	<p>Additionally, Mexico's identification of a specific inconsistency (<i>Veta Rica o la Inglesa</i>) does not diminish the relevance of the broader document request which encompasses other concessions, and rights that are relevant for the determination of damages.</p> <p>The requested documents are essential to determine whether the Claimant's concessions are unencumbered and that the acquisition terms are consistent with the claim for damages (e.g., that the volume of resources are located within concessions over which the Claimant has</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>ownership over all 20 concessions is overbroad.</p> <p>The remainder of this Request is likewise overbroad and vague. Specifically, the remainder of this Request calls for <i>“documents containing information on the terms in which these concessions were acquired, and whether they are free of encumbrances”</i>. But Mexico does not define <i>“documents containing information”</i> on the concession-acquisition terms or explain what this vague term would comprise. Nor does Mexico explain why a dispute over concession</p>	<p>unencumbered mining rights). Encumbrances such as judicial seizures (embargos) could materially affect ownership rights and, consequently, the quantum of damages.</p> <p>The Claimant argues the request is overbroad and burdensome because it covers all 20 concessions. However, since the Claimant asserts ownership over all of them, requesting documentation on the acquisition and any potential encumbrances is both necessary and reasonable.</p> <p>Regarding the allegation of vagueness, the request explicitly</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>ownership would extend to property such as buildings or real estate. The Request is therefore not narrowly tailored, but rather is overbroad and vague.</p> <p>Possession, custody, or control: The mining concessions at issue in this case were issued by Mexico. Accordingly, even if the Claimant’s ownership of such concessions were in dispute (<i>quod non</i>), the documents relevant to determining such ownership are already in Mexico’s possession, custody, or control. This is evidenced by the fact that Mexico’s expert has already consulted the Mining Public Registry</p>	<p>seeks purchase contracts, agreements, and related documents evidencing ownership, leases, or surface rights. The phrase “documents containing information on the terms in which these concessions were acquired” ensures full disclosure of price, conditions, encumbrances, and obligations—key factors in determining whether a clear and marketable title exists.</p> <p>The Claimant also seeks to exclude documents related to buildings or real estate, yet surface rights are integral to mining operations and affect concession valuation and damages.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>to assess ownership of the concessions (Del Razo Expert Report ¶ 98).</p> <p>As set forth above, the Claimant nonetheless has agreed to conduct a reasonable search for and to produce responsive documents, as narrowed by the Claimant, if and when located.</p>	<p>Since the Claimant has included these rights in its claims, Mexico is entitled to request documentation verifying their scope and conditions. (Memorial, ¶3.13)</p> <p>The Claimant contends that Mexico already possesses relevant documents through the Mining Public Registry. However, the Claimant is uniquely positioned to provide private contracts, agreements, and internal records not publicly available, which clarify the precise nature of its rights and the terms in which it acquired them.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
					<p>Titles alone do not encompass all legal transactions surrounding the concessions. Moreover, discrepancies in the Claimant's submissions need further clarification.</p> <p>For example, discrepancies in the number of hectares, the lack of clarity between the existence of titles (Expert report of Mr. Carlos del Razo ¶¶ 98 and 100), as well as the assertion of ownership over 20 concessions without the ability to confirm their actual ownership or determine the current status of the Claimant's rights over</p>	

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
					<p>these titles (Counter-Memorial (¶¶ 50-51).</p> <p>The Claimant's limited search for a subset of documents would fail to meet the standard of full and transparent disclosure.</p>	
10	<p>Claimant's corporate documents (including but not limited to Metalín) related to the subscription, negotiation, and execution of the 1997 and 2000 Contracts, including any Internal Documents or Communications regarding the exercise of the purchase option under the 1997 Contract.</p>	<p>See General Justification C</p> <p>The requested documents are relevant to the case because they contain information on the understanding of the Claimant and Metalín of the contractual terms and commitments acquired with the signature of the 2000 Agreement, as well as the considerations that led to its signature.</p> <p>It is reasonable to assume that these documents exist and are in the possession, custody or</p>		<p>Objections to the Request: Relevance and materiality; unduly burdensome.</p> <p>Relevance and materiality: This Request calls for the production of documents related to the 1997 and 2000 Agreements concluded between Minera Metalín and Mineros Norteños, as set out in General Justification C. The</p>	<p>The Claimant's argument that the requested documents are irrelevant is unfounded. The 1997 and 2000 Agreements are central to this arbitration, as they define the contractual rights and obligations underlying the Claimant's claims. Mexico has explained that the dispute between Minera Metalín and Mineros Norteños arose</p>	<p>Refused. The Tribunal understands the 1997 and 2000 Contracts to be available and the Tribunal can assess what the mean. The documents sought appear to be of only very</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	This request is circumscribed to documents prepared or exchanged between 30 August 1997 (date of subscription of the 1997 Contract) and 30 August 2000 (date of subscription of the 2000 Agreement).	control of the Claimant or its affiliates, as they relate to key contractual arrangements at the heart of this arbitration and form part of their corporate records.		<p>requested documents, dating back nearly 30 years, are not relevant or material to any issue in dispute in this case.</p> <p>As set forth above in Request Nos. 1 and 6, the issue in dispute in this case is whether Mexico violated its obligations under the NAFTA by arbitrarily and unreasonably failing to take any action in its power to remove the Continuing Blockade and to permit SVB and Minera Metalín to access the Project site, as Mexico did during the Initial Blockade imposed by Mineros Nortesños in 2016. The contemporaneous understanding of</p>	from the breach of the 2000 Agreement, which incorporated a clause from the 1997 Agreement concerning the company's representation to have a producing mine within 4 years and commence the payment of royalties. (Counter memorial, ¶¶ 13-19, Sections II. E, F and I) Therefore, the requested documents are crucial to assessing the legitimacy and scope of the Claimant's claims, as they contain critical information on how these agreements were understood, negotiated, and executed.	limited relevance and little materiality to the outcome of the case

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Mineros Norteños and Minera Metalín of the contractual terms and commitments set out in the 1997 and 2000 Agreements are irrelevant and immaterial to this question.</p> <p>As set forth above in response to Request No. 4, the commercial dispute between Mineros Norteños and Minera Metalín was finally resolved by the Mexican courts in Minera Metalín’s favor (Memorial ¶ 2.69). Regardless of whether Mexico sympathized with Mineros Norteños and its loss in the Mexican courts, it had a duty and an obligation to</p>	<p>The Claimant asserts that the dispute concerns only whether Mexico failed to act against what it refers to as the Continuing Blockade. However, this argument ignores the broader context of the Claimant’s alleged rights and its own conduct regarding the Project. This is crucial in determining whether the peaceful protests by Mineros Norteños, which allegedly triggered the measures at issue in this case, were in fact a consequence of the Claimant’s own actions. The Claimant’s attempt to dismiss this as irrelevant to the arbitration is not a valid</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>uphold the rule of law. It failed to do so.</p> <p>As such, the requested documents have no bearing on this dispute, and this Request amounts to nothing more than a classic fishing expedition that is contrary to the principles governing document production in this case.</p> <p>Unduly burdensome: This Request calls for “<i>corporate documents . . . related to the subscription, negotiation, and execution of the 1997 and 2000 Contracts</i>”. It is unduly burdensome for the Claimant to be forced to undertake a search for documents that are</p>	<p>objection to document production; rather, it underscores its intent to divert the Tribunal’s attention away from its own wrongdoing. Additionally, the resolutions by Mexican courts do not negate the relevance of these documents, as they remain essential for evaluating the nature of the Claimant’s rights and the impact on its alleged damages.</p> <p>The Claimant’s objection based on the time elapsed since their issuance is pretextual and unconvincing.</p> <p>Corporate records related to key contractual agreements</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>nearly 30 years old, particularly where, as here, the documents are not relevant or material to the issues in dispute. Indeed, it is doubtful that such documents would be retained after nearly 30 years, and conducting a search for any such documents would be unduly burdensome given their significant age.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 10.</p>	<p>are typically preserved, particularly when they concern long-term projects central to a company's operations such as the Sierra Mojada Project. Given that these agreements underpin the Claimant's investment in Mexico (Counter memorial, Section II.F), it is reasonable to expect that the relevant documents remain in its possession, custody, or control. Moreover, it is reasonable to assume that the Claimant analyzed these documents when preparing its claims and therefore it should have little trouble locating and producing them.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
					The Claimant has not demonstrated that retrieving these records would be unduly burdensome. The request is limited to a well-defined timeframe (1997–2000) and pertains only to corporate documents related to the negotiation and execution of two specific agreements that should be in the Claimant’s corporate files. Since the Claimant relies on these agreements to support its case, it cannot now argue that locating related documents is excessively burdensome.	
11	All Documents, including reports,	See General Justification C.		Objections to the Request: Overbroad and		Granted, but only as

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	presentations or Communications prepared by or on behalf of the Claimant or its affiliates to shareholders, investors or other relevant interested parties relating to the progress, advances or activities undertaken at the Sierra Mojada Project, including, but not limited to, exploration, development or exploitation efforts, from August 20, 2000 (date of signature of the 2000 Agreement) through September 8, 2019 (date of the 2019 Mineros Norteños' Demonstration).	<p>These documents are directly relevant to assessing the Claimant's allegations about its activities and intentions in the Sierra Mojada Project. In particular, they will clarify whether the Claimant actually intended to develop and exploit the concessions or whether its objective remained solely to exploration, as raised in the Counter-Memorial (¶¶ 89-91).</p> <p>The requested reports will assist in determining whether the Claimant's actions are consistent with its obligations under the 1997 and 2000 Agreements and its representations in this arbitration.</p> <p>There is no evidence in the arbitration record of its initial business scheme, technical information on ore reserves or</p>		<p>unduly burdensome; vague.</p> <p>Overbroad, unduly burdensome, and vague: This Request calls for the production of documents prepared by the Claimant and exchanged with its shareholders, affiliates, and undefined "<i>other relevant interested parties</i>" related to "<i>the progress, advances or activities undertaken at the Sierra Mojada Project</i>" over a 19-year period. It is not narrowly tailored to produce relevant documents, but is overbroad and unduly burdensome, as well as vague.</p>	<p>One of the key issues in this arbitration is whether the Claimant and Minera Metalin made any efforts to advance to the development and production stage of the Project, given their obligation to pay royalties to Mineros Norteños as part of the compensation promised for the mining concessions.</p> <p>The Claimant has failed to produce any documents concerning the estimated time to complete the exploration or any plans to advance to the development and production stages. The Respondent also offered</p>	regards the documents referred to in the final paragraph of the Respondent's Response.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>any other information that would support its efforts to explore or mine prior to 2011.</p> <p>It is reasonable to assume that these reports exist and are in the possession, custody or control of the Claimant, since they are part of the usual corporate information of these companies.</p>		<p>Indeed, this Request as articulated calls for the production of virtually every document in the Claimant’s possession relating to the Project from 2000 to 2019. As such, it is contrary to procedural economy and proportionality, and amounts to nothing more than an improper fishing expedition.</p> <p>Moreover, Mexico’s <i>ipse dixit</i> assertion that there is “no evidence” of the Claimant’s efforts to explore the Sierra Mojada Project before 2011 is erroneous. As the Claimant demonstrated in its Memorial and the First Witness Statement of Tim Barry, between 2000 and 2019, the</p>	<p>evidence that the <i>modus operandi</i> of Claimant and its affiliates is to limit its activity to exploration and then sell to third parties (Counter-Memorial, ¶ 90)</p> <p>To avoid any misunderstanding, this request concerns documents detailing the Claimant’s plans for the exploration phase and to advance to the development and production stages, as well as documents containing information related to the quantity, quality, availability and intended extraction mechanisms of silver and zinc. Albeit it admittedly</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Claimant, along with its joint venture partners conducted a wide range of intensive exploration activities, including, <i>inter alia</i>, extensive underground channel sampling and surface drilling focused on the Zinc Zone and Sulphide Zone at Sierra Mojada (Memorial ¶ 2.21, 2.34-2.51; Exhibit C-88; Barry ¶ 4.1-4.33, 4.47-4.57). As the Claimant's damages expert, Mr. Dellepiane has calculated, the Claimant invested more than USD 85 million in sunk costs into the Project (Dellepiane ¶ 103).</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to</p>	<p>encompasses an extended period, the request is not vague or overly burdensome. Clearly the company has records about their plans to further the Sierra Mojada Project. This is confirmed by the Claimant itself in its objection, where it states that for exploration purposes, "between 2000 and 2019, the Claimant, along with its joint venture partners, conducted a wide range of intensive exploration activities." Mexico is merely requesting the same type of information for the exploitation phase, if there is any. Should the Claimant fail to produce</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				deny Mexico's Request No. 11.	such documents, the Respondent asserts that it would not meet its burden of proving damages. Furthermore, the Tribunal should infer that no such studies were not conducted for the Project's exploitation. To alleviate the Claimant's concerns, the Respondent will narrow its request to documents containing any plans and/or schedules to advance to the production stage during the five years prior to the Second Blockade.	
12	Communications sent or received by the Claimant or its	See General Justification C.		Objections to the Request: Relevance and materiality; overbroad	For the same reasons stated in response to Request No. 10, the	Refused. The documents

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>subsidiaries and/or internal communications discussing or analyzing Metalín’s payment obligations to Mineros Norteños under the 1997 and 2000 Agreements, including discussions about royalties, outstanding amounts owed or the decision to dispute such obligations, as well as communications or documents evidencing the lack of funds and need for a joint venture.</p> <p>This request is limited to documents exchanged between August 30, 1997 (date of signature of the</p>	<p>The requested documents are directly relevant to determine whether the Claimant complied with its contractual obligations under the 1997 and 2000 Contracts and its payment defaults, as highlighted in Respondent’s Counter-Memorial. (¶¶ 93, 95-96).</p> <p>These documents are important in assessing the Claimant’s claims and the broader context of its conduct in relation to the Concession Contracts, including the failure to make royalty payments to Mineros Norteños. They will also clarify whether the Claimant’s assertions in this arbitration are consistent with its internal understanding and communications regarding its obligations under the Concession Contracts.</p>		<p>and unduly burdensome; legally privileged.</p> <p>Relevance and materiality: For the same reasons set out above in response to Request No. 10, the requested documents are not relevant or material. Specifically, whether or not the Claimant complied with its contractual obligations under the 1997 and 2000 Contracts is irrelevant to this dispute and immaterial to its outcome. The commercial dispute between Minera Metalín and Mineros Norteños, which was finally resolved by the Mexican courts, is not before this Tribunal.</p>	<p>Claimant’s objections are unfounded. Likewise, the Claimant’s objection based on the time elapsed since their issuance is unconvincing as it fails to explain why that timeframe would be unreasonable. The Respondent further notes that the Claimant itself has requested documents from Mexico dating back several years, which contradicts any general principle that older documents are inherently burdensome to produce—particularly when they pertain to the Claimant’s own internal corporate records.</p>	<p>sought appear to be of only very limited relevance and little materiality to the outcome of the case</p>

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	1997 Agreement) and the present.	<p>It is reasonable to assume that these documents exist and are in the possession, custody or control of the Claimant, as they relate to Metalín’s payment obligations under the contracts central to this arbitration, as well as to facts described by the Claimant (see ¶ 2.22).</p> <p>The Respondent is not in possession or control of the requested documents.</p>		<p>In addition, Mexico fails to explain why alleged communications “<i>evidencing the lack of funds and need for a joint venture</i>” are relevant and material to the issues in dispute in this case. Without the benefit of such explanation, neither the Claimant nor the Tribunal can be forced to speculate as to how any alleged “<i>lack of funds</i>” or “<i>need for a joint venture</i>” by the Claimant is relevant to this dispute or material to its outcome. Nor has Mexico established the factual predicate for such a request.</p> <p>Mexico’s invocation of the “<i>broader context</i>”,</p>	<p>Nevertheless, while the request covers a broad period, it is both specific and narrowly tailored to particular communications. Similarly, this request pertains to a well-defined timeframe. The Claimant cannot argue that locating such records is excessively burdensome, particularly given its reliance on these agreements in their claims.</p> <p>Furthermore, the Claimant asserts that this request calls for the production of privileged documents involving legal advice in connection with</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>moreover, is not sufficient to meet its burden regarding relevance and materiality. Mexico must explain why the requested documents are relevant and material to the specific issues in dispute in this case, which it has failed to do.</p> <p>Overbroad and unduly burdensome: This Request calls for the production of documents and communications discussing the 1997 and 2000 Agreements over a period of 27 years and five months. This time range is patently overbroad. The Request is not narrowly tailored to produce relevant documents, but rather</p>	<p>anticipated or ongoing litigation. However, this has not been mentioned in Mexico's request. Should there be any responsive documents that the Claimant considers to be confidential, it should provide a privilege log identifying the documents, their subject matter, their author(s) and recipient(s) and the grounds for alleging privilege. For the foregoing reasons, Mexico respectfully requests the Tribunal to reject the Claimant's objections and compel the production of the requested documents and, if applicable, a privilege log.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>constitutes a classic fishing expedition that is contrary to the principles governing document production in this case.</p> <p>Legally privileged: To the extent this Request calls for the production of documents whereby the Claimant or Minera Metalín requested or received legal advice in connection with anticipated or ongoing litigation, those documents are legally privileged on the basis of the attorney-client privilege and/or the attorney-work-product privilege.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to</p>		

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				deny Mexico's Request No. 12.		
13	<p>Internal communications discussing actions to be taken during and after the 2016 demonstration (First Blockade), including those related to any official documents, communications or correspondence sent to the Mexican authorities in connection with the demonstration.</p> <p>This Request 13 relates to any communication between the date SVB learned of the 2016 demonstration ("First Blockade") (February 2, 2016) (Memorial,</p>	<p>See General Justification D</p> <p>The requested documents are directly relevant to assessing the Claimant's version of events related to the 2016 Demonstration and its characterization of the actions taken by Mineros Norteños and Metalín.</p> <p>It is reasonable to assume that these documents exist and are in the possession, custody or control of the Claimant, as they relate to Metalín's internal management of the demonstration and its contact with the authorities, both central elements of its allegations.</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce responsive documents prepared by the Claimant and/or Minera Metalín from 2 to 10 February 2016 discussing actions to be taken during and after the Initial Blockade that are in the Claimant's possession, custody, or control, if and when located.</p> <p>Objections to remainder of the Request: Relevance and</p>	<p>As stated by the Respondent, "allegations as serious as attributing the failure of a project to apparent political persecution must meet a high evidentiary standard. However, the Claimant did not provide, nor did it make the slightest effort to demonstrate, that the change of government was related to the claims it alleges" (Counter memorial, ¶ 371).</p> <p>The requested documents are relevant to assess Claimant's version of the facts surrounding the 2016</p>	<p>The search the Claimant has agreed to make appears in substance to satisfy the Respondent's request. "Actions to be taken" must include whether and if so in what terms to communicate with the Mexican authorities.</p> <p>The request does not call for communicati</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	¶274) and its lifting (February 10, 2016)			<p>materiality; possession, custody, or control.</p> <p>Relevance and materiality: Mexico has failed to establish that the Claimant’s internal communications discussing actions to be taken in relation to the Initial Blockade are relevant and material to the issues in dispute. As the Claimant explained in its Memorial (¶¶ 1.2, 2.201-2.211, 3.28), this dispute relates to Mexico’s inaction regarding the Continuing Blockade. While the egregiousness of Mexico’s inaction regarding the Continuing Blockade under the AMLO administration is demonstrated by its swift</p>	<p>Demonstration. These documents will allow the Tribunal to understand what really happened during such demonstration.</p> <p>Even if the first protest ended on the same date it started, the Respondent has requested documents between that date and 10 February in the event that further responsive documents would have been exchanged after the end of the protest. The Respondent considers this time period to be more than reasonable to conduct a search.</p> <p>In any event, the Respondent notes the</p>	<p>ons sent to the Mexican authorities but only for internal communications.</p> <p>The Claimant shall provide a privilege log in respect of any documents withheld or redactions made.</p> <p>Otherwise no order.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>action to end the Initial Blockade under the Peña Nieto administration, it is not clear (and Mexico has not demonstrated) how the Claimant's documents discussing actions to be taken during the Initial Blockade would be relevant or material to analyzing Mexico's own inconsistent conduct.</p> <p>Further, in its Request, Mexico erroneously asserts that the Initial Blockade was lifted on 10 February 2016 and, seemingly on that basis, requests internal communications until that date. But, as the Claimant explained in its Memorial, the Mexican</p>	<p>Claimant's reluctance to produce these documents, which relate to its complaints before authorities concerning alleged crimes committed during Mineros Norteños' protests, and observes that it is the Claimant who has made these allegations and, therefore, bears the burden of proving them. The Claimant's unwillingness to produce these documents only reinforces the conclusion that these allegations are exaggerated and baseless.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>authorities intervened to lift the Initial Blockade the very day it began: 4 February 2016 (Memorial ¶ 2.84; López Ramírez ¶ 6.24).</p> <p>Possession, custody, or control: To the extent this Request calls for the production of documents sent to the Mexican authorities, those documents are in Mexico's own possession, custody, or control. Mexico cannot shift onto the Claimant its burden to locate documents to which it already has access.</p> <p>As set forth above, the Claimant nonetheless has agreed to conduct a reasonable search for and</p>		

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				to produce responsive documents, as narrowed by the Claimant, if and when located.		
14	<p>Internal communications discussing actions to be taken during the 2019 Demonstration (Second Blockade), including in connection with any official documents, communications or correspondence sent to the Mexican authorities in connection with the demonstration.</p> <p>This request is limited to documents produced or exchanged between September 8, 2019 (date of the beginning</p>	<p>See General Justification D. The justification of Request No. 13 is incorporated <i>mutatis mutandis</i> into this request.</p> <p>Likewise, it is important to note that there is no evidence in the arbitration record that any request or complaint has been filed with the police or the Public Prosecutor's Office regarding kidnapping, deprivation of liberty, dispossession, robbery or any other crime by Minera Metalín from September 8, 2019 to September 12, 2019.</p>		<p>Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable search for and to produce responsive documents prepared by the Claimant and/or Minera Metalín from 8 September 2019 to 31 August 2022 discussing actions to be taken during the Continuing Blockade that are in the Claimant's possession, custody, or control, if and when located.</p>	<p>The response to the objection to Request No. 13 is hereby incorporated <i>mutatis mutandis</i> into this Request No. 14.</p> <p>The request is narrowly tailored and covers a period of time from the initiation of the 2019 protest and until the present. This period of time will show Claimant's contemporaneous and actual assessment of the 2019 Manifestation. The Claimant has not explained why the time</p>	<p>Apart from the period covered, the search the Claimant has agreed to make appears in substance to satisfy the Respondent's request.</p> <p>"Actions to be taken" must include whether and if so in what terms to communicate with the Mexican authorities.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	of the so-called “Second Blockade”) to today (January 13, 2025).			<p>Objections to remainder of the Request: Overbroad and unduly burdensome; possession, custody, or control.</p> <p>Overbroad and unduly burdensome: This Request calls for the production of internal communications discussing actions to be taken during the Continuing Blockade over a period of five years and four months (from 8 September 2019 to 13 January 2025), including the two-and-a-half-year period after South32 withdrew from the Option Agreement in August 2022, marking the end of the Project. This Request is not</p>	<p>period of this request is unreasonable.</p> <p>In addition, Claimants statements relies mostly on the testimony of one witness under the Claimant’s control. Thus, the requested documents are relevant to assess the Claimant's version of the events regarding the 2019 demonstration.</p>	<p>The request does not call for communications sent to the Mexican authorities but only for internal communications.</p> <p>The Claimant shall extend the period of search to 31 December 2022, but material from 2023 onwards does not appear to be sufficiently material to</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>narrowly tailored to produce relevant documents, but rather is overbroad and unduly burdensome.</p> <p>Moreover, Mexico's assertion that there is no evidence that Minera Metalín filed any requests with the Mexican authorities between 8 and 12 September 2019 is wrong. As the Claimant demonstrated in its Memorial, in addition to Minera Metalín's requests for assistance in the leadup to the Continuing Blockade, Mr. López Ramírez repeatedly requested assistance from the Mexican authorities to</p>		<p>the outcome of the case.</p> <p>The Claimant shall provide a privilege log in respect of any documents withheld or redactions made.</p> <p>Otherwise no order.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>lift the Continuing Blockade and to allow the Claimant and its employees to access the Project site (and the employees trapped inside the camp to leave) (Memorial ¶¶ 2.126, 2.129-2.132; López Ramírez ¶¶ 8.21, 8.28). Moreover, as Mexico itself recognizes in its Counter-Memorial, Minera Metalín filed its criminal complaint with the Coahuila Public Prosecutor’s Office on 12 September 2019 (Counter-Memorial ¶ 213; Exhibit C-34).</p> <p>Possession, custody, or control: To the extent this Request calls for the production of documents</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>sent to the Mexican authorities, those documents are in Mexico's own possession, custody, or control. Mexico cannot shift onto the Claimant its burden to locate documents to which it already has access.</p> <p>As set forth above, the Claimant nonetheless has agreed to conduct a reasonable search for and to produce responsive documents, as narrowed by the Claimant, if and when located.</p>		
15	The complete email chains between Mr. Juan Manuel López Ramírez and Mr. Tim Barry regarding the events surrounding the	Exhibits JMLR-004 to JMLR-009 and JMLR-014 to JMLR-022 show that the Claimant has submitted selected emails which, in its view, support its position in this arbitration.		Subject to any applicable privilege and without prejudice to any of its other objections, the Claimant agrees to conduct a reasonable	The Claimant's objection that the request is overbroad and burdensome is unfounded. The request seeks complete email	In the Tribunal's view what the Claimant has agreed to do is

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>Project, including any discussions related to the Mineros Norteños, alleged illegal activities or demonstrations.</p> <p>This Request 15 is limited to the period from February 1, 2016 to September 10, 2019, the period of the emails exchanged between Messrs. López and Barry in 2016 and 2019.</p>	<p>However, some of these exhibits, such as JMLR-023, are incomplete, and some others were selectively produced without disclosing the full content of the document.</p> <p>The requested documents are directly relevant to verify the accuracy and completeness of Mr. López Ramírez's testimony, which is largely based on incomplete email exchanges with Mr. Barry. These exchanges will clarify whether the Claimant has selectively presented evidence or omitted relevant portions of the communications that could affect the Tribunal's assessment of the facts, as highlighted in the Counter-Memorial (¶ 190).</p> <p>The full email chains are material to understanding the full context of the</p>		<p>search for and to produce responsive documents related to the emails exchanged between Messrs. Juan Manuel López Ramírez and Tim Barry regarding the Initial and Continuing Blockades from 2 February 2016 to 12 February 2016 and from 3 September 2019 to 18 September 2019, marked as JMLR-004 to JMLR-009, JMLR-012, and JMLR-014 to JMLR-023, that are in the Claimant's possession, custody, or control, if and when located.</p> <p>Objections to remainder of the Request: Overbroad and unduly burdensome.</p>	<p>chains between Mr. Juan Manuel López Ramírez and Mr. Tim Barry regarding the Project, including discussions about Mineros Norteños and related demonstrations, within a clearly defined period (February 1, 2016, to September 10, 2019). The Claimant has already submitted selective portions of these communications, proving their existence and relevance. The exhibits produced—JMLR-004 to JMLR-009 and JMLR-014 to JMLR-022—demonstrate that key exchanges exist but have been presented partially.</p>	<p>sufficient. There does not appear to be any clear justification for including the period between 12 February 2016 and 3 September 2019.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>communications between Mr. López and Mr. Barry, including whether they support or contradict the Claimant’s version of the facts in relation to Mineros Norteños’ activities and the 2016 and 2019 demonstrations (First and Second Blockade, respectively).</p> <p>It is reasonable to assume that these emails exist and are in the possession, custody or control of the Claimant, as they were introduced into evidence in this arbitration, but were only partially disclosed.</p>		<p>Overbroad and unduly burdensome: This Request calls for the production of emails exchanged between Messrs. López Ramírez and Barry related to “<i>the events surrounding the Project</i>” over a three-year period. But the documents cited by Mexico in its justification, which Mexico erroneously alleges are incomplete, relate to two discrete time periods – 2 February 2016 to 12 February 2016 and 3 September 2019 to 18 September 2019 – not a broad and continuous three-year period. This Request is therefore not</p>	<p>To conclude, there is no basis for withholding the complete records, and the Claimant’s limited agreement to produce select emails does not meet its disclosure obligations. Furthermore, the Claimant’s assertion that Mexico lacks documentary evidence is irrelevant since document production is not a phase to litigate the case on the merits. The issue is whether the Claimant has withheld pertinent information. The full email chains are necessary to assess the credibility of the Claimant’s narrative regarding the demonstrations and</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>narrowly tailored, but rather is overbroad and unduly burdensome.</p> <p>The Claimant also rejects Mexico’s baseless assertion that the Claimant has “<i>selectively presented evidence or omitted relevant portions of the communications that could affect the Tribunal’s assessment of the facts</i>”. It is rather Mexico that has submitted virtually <i>no</i> contemporaneous documentary evidence in support of its Counter-Memorial and instead proffers a series of arguments that are unsupported by contemporaneous documents and</p>	<p>Mineros Norteños’ activities.</p> <p>In that sense, Mexico respectfully requests that the Tribunal orders full disclosure of the email chains as originally requested and rejects the Claimant’s objections.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>uncorroborated by witness testimony.</p> <p>As set forth above, the Claimant nonetheless has agreed to conduct a reasonable search for and to produce responsive documents, as narrowed by the Claimant, if and when located.</p>		
16	Documents evidencing Claimant's shareholding control over the subsidiary Star Morning and subsequently Minera Metalfn. Including the company's shareholder's book or any official document evidencing shareholder control over its subsidiaries.	<p>The articles of incorporation of Minera Star Morning S.A. de C.V. [C-0005] list Mr. Victor García Jiménez and Mr. Victor Manuel García Palacios as shareholders. Their nationality or affiliation with the Claimant is unknown, in order to prove their shareholding control or the traceability of possible shareholding transactions.</p> <p>Although the documentation submitted by the Claimant</p>		<p>Objections to the Request: Relevance and materiality; overbroad and unduly burdensome.</p> <p>Relevance and materiality: This Request calls for the production of documents evidencing the Claimant's shareholding control over its subsidiary Star Morning, subsequently renamed</p>	<p>As explained in the justification of the request, the articles of incorporation of Minera Star Morning, S.A. de C.V. listed two individuals as shareholders. There is no additional information of those individuals.</p> <p>The requested documents are relevant</p>	<p>Granted, but only as regards documents evidencing the nationalities of Mr. Victor García Jiménez and Mr. Victor Manuel García Palacios.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>This request is limited to documents prepared from July 10, 1996 (the date of incorporation of Star Morning Mining) to April 16, 2010, the date on which Dome merged with Metalline Delawere Inc.</p>	<p>reveals the existence of authorization for foreign shareholding, there is no reference of who the foreign investors are.</p> <p>Subsequently there was a change in the name of the company to Minera Metalín [C-0017], but this modification only changed the name and continued under the control of the same shareholders.</p> <p>The Respondent is not in possession or control of the requested documents. It is reasonable to assume that these documents exist and are in the Claimant’s possession, custody or control, as they relate to corporate documents that must have been produced in the course of its business operations.</p>		<p>Minera Metalín. Mexico asserts that the nationality of Messrs. García Jiménez and García Palacios is “<i>unknown</i>” and appears to suggest that evidence of their nationality is necessary “<i>to prove their shareholding control or the traceability of possible shareholding transactions</i>”. But Mexico does not explain why such documents are relevant and material to any of the issues in dispute in the case. Absent such explanation, the Claimant and the Tribunal cannot be forced to speculate as to the relevance or materiality of the requested documents. Notably, Mexico has not</p>	<p>and material as they as they have a direct impact on the shareholding control of Minera Metalín and in the Sierra Mojada Project, as well as on the authorizations issued for foreign shareholding. These documents are relevant to establishing the Claimant’s standing and the Tribunal’s jurisdiction. The fact that the Respondent did not initially raise a specific objection on this issue simply reflects that it lacked sufficient information to properly assess the claim—a burden that falls on the Claimant to substantiate.</p>	<p>Otherwise overbroad and of doubtful relevance.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>made any objection in its Counter-Memorial on this basis.</p> <p>Overbroad and unduly burdensome: The Request calls for the production of documents over a nearly 14-year period. Given that excessively broad time period, the Request is not narrowly tailored to produce relevant documents, but rather is overbroad and unduly burdensome and constitutes a classic fishing expedition that is contrary to the principles governing document production in this case.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to</p>	<p>Contrary to Claimant’s allegations, the request is not overly broad and burdensome. The Claimant should be able to identify documents proving or demonstrating its control over Minera Metalin. Again, the Claimant does not explain why the time period of the request is unreasonable.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				deny Mexico's Request No. 16.		
17	Documents and communications prepared by the Claimant, or its affiliates, discussing, analyzing or commenting on any analysis, valuation, report or due diligence relating to the Sierra Mojada Project, including, but not limited to, the viability of the Project, contractual obligations and any social impact of the Project, prior to the merger of Metalline, Metalline Mining Delaware Inc. and Dome.	<p>The Claimant and its witness, Messrs. Barry (¶¶3.8-3.12) and Edgar (¶¶ 5.3-5.22) state that “[a]fter conducting extensive due diligence at the Sierra Mojada Project, Messrs. Edgar and Barry understood that the Sierra Mojada region, including the concession areas, had significant mineral potential and were well-connected to critical infrastructure necessary to operate a producing mine successfully.” Memorial (¶2.4)</p> <p>The information and documentation requested is relevant and material to understand the degree of information and the anticipation of risks, including, but not limited to social risks, and liabilities identified by the</p>		<p>The Claimant agrees to conduct a reasonable search for and to produce responsive documents that are in the Claimant's possession, custody, or control, if and when located.</p> <p>The Claimant nonetheless notes with respect to alleged “<i>social risks</i>” that, as both Parties acknowledged in their pleadings, the Sierra Mojada community wanted the Sierra Mojada Project to proceed (<i>See</i> Memorial ¶¶ 2.57-2.58; Counter-Memorial ¶¶ 2-3, 8, 17, 48, 93).</p>		No order required

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>This request is limited to documents prepared and/or transmitted between 2009 (the date on which Mr. Edgar became aware of Metalline) and April 15, 2010 (the date of the merger).</p>	<p>Claimant regarding the Sierra Mojada Project.</p> <p>The Respondent considers it reasonable to assume that several documents were prepared in order for Claimant to decide to invest in the Sierra Mojada Project.</p> <p>This situation is highly relevant if taken into consideration the characteristics of the mining industry.</p> <p>Furthermore, it should be considered that these documents should have been created in the normal course of the Claimant's business activities and operations, since they are an element that any supposed diligent investor should carry out.</p>				
18	Analysis, studies or any document	The Claimant and its witnesses, Messrs. Barry and Edgar point		Objections to the Request: Relevance and	In addition to the arguments set forth in	Although there may be

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>evidencing the social actions and investments made by the Claimant, or its subsidiaries, pursuant to dealings with the Sierra Mojada community, including any social impact of the Project.</p> <p>This request is limited to documents prepared and/or transmitted between April 15, 2010 (date of the merger) and September 2019 (date of the second demonstration).</p>	<p>out that they brought significant social benefits to the Sierra Mojada community, as well as efforts to establish a positive relationship with the community (see ¶¶ 2.54, 2.57 to 2.59, as well as witness statement of Mr. Edgar, ¶ 7.10, and witness statement of Mr. Barry, ¶ 4.26 and 4.28.)</p> <p>The information and documentation requested is relevant and material to establish how much information and foresight of its project, including social gaps and risks, were identified by Claimant in relation to the Sierra Mojada Project.</p> <p>The Respondent considers reasonable to assume the existence of several documents supporting the Claimant’s</p>		<p>materiality; overbroad and unduly burdensome; vague.</p> <p>Relevance and materiality: This Request calls for the production of documents evidencing “<i>social actions and investments</i>” made by the Claimant or its subsidiaries “<i>pursuant to dealings with the Sierra Mojada community, including any social impact of the Project</i>”. Neither the social actions of the Claimant nor the social impact of the Project, however, is a disputed issue in this arbitration. Indeed, as noted above in Request No. 17, the Parties agree that the Sierra Mojada</p>	<p>response to Request No. 17, Mexico submits that the requested documents are directly relevant and material to assessing the Claimant’s actions and level of responsibility regarding the social issues underlying this dispute. The fact that the Claimant agreed to search for the documents pursuant to Request No. 17 contradicts its objection to this request.</p> <p>The Claimant and its witnesses assert that the Sierra Mojada Project brought significant social benefits and that they actively sought a positive relationship with the local</p>	<p>documents of the type that are relevant and material, the request is in very wide terms and covers over 9 years. In the Tribunal’s view it is unduly broad and burdensome and is refused.</p> <p>If the parties are unable to agree between them to a search for a more modest category of documents,</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>statements about the Sierra Mojada community.</p> <p>This situation is highly relevant if one takes into consideration the characteristics of the mining industry, as well as the proximity and impact of its project to the community, due to the social and economic situation of the Sierra Mojada community.</p> <p>Likewise, it should be considered that these documents should have been created in the normal course of the Claimant's activities and operations, as the Claimant itself points out.</p>		<p>community wanted the Sierra Mojada Project to proceed (<i>See</i> Memorial ¶¶ 2.57-2.58; Counter-Memorial ¶¶ 2-3, 8, 17, 48, 93). The requested documents are therefore not relevant to this dispute or material to its outcome.</p> <p>In addition, contrary to Mexico's baseless assertion that the Claimant took advantage of "<i>impoverished members of a local mining cooperative by making them wait almost two decades for agreed royalties</i>" (Counter-Memorial ¶ 551), the Claimant demonstrated in its Memorial that the Sierra Mojada Project brought significant</p>	<p>community (Memorial ¶¶ 2.54, 2.57-2.59; Edgar WS ¶ 7.10; Barry WS ¶¶ 4.26, 4.28). If true, the requested documents should corroborate these claims. Conversely, Mexico contends that the Claimant failed to meet its commitments to the community, leading to peaceful demonstrations and the eventual abandonment of the Project.</p> <p>The Claimant argues that the Sierra Mojada community supported the Project and it "brought significant benefits to the communities in Sierra Mojada and La Esmeralda". If so, it</p>	<p>the Respondent may (if so advised) make a further, but clearer and narrower, application.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>benefits to the communities in Sierra Mojada and La Esmeralda, including employment and training opportunities and access to health services (Memorial ¶¶ 2.56-2.59; Edgar ¶ 7.10). Mineros Norteños, moreover, is a private, for-profit cooperative; it is not the community.</p> <p>Overbroad, unduly burdensome, and vague: This Request calls for the production of documents evidencing “<i>social actions and investments</i>” made by the Claimant or its subsidiaries “<i>pursuant to dealings with the Sierra Mojada community</i>” over a nine-year period,</p>	<p>should have no issue producing the documents evidencing the social actions and investments it claims to have made. The existence of such records is reasonable to assume, as any mining project of this nature—especially one that allegedly prioritized community engagement—would require documentation of its social impact and commitments.</p> <p>The Claimant’s objections on the grounds of overbreadth and burden lack merit. The request is limited to documents from April 2010 to September 2019, a period during</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>without any specificity as to what “<i>social actions and investments</i>” encompasses or explanation as to what “<i>dealings</i>” Mexico is referring to. The Request is not narrowly tailored to produce relevant documents, but rather is overbroad, unduly burdensome, and vague.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico’s Request No. 18.</p>	<p>which the Claimant was directly involved in the project. Moreover, since the Claimant itself has placed these issues at the center of its argument, it bears the burden of substantiating these claims. Producing the requested documents is essential to verifying whether its assertions are supported by evidence or merely unsubstantiated statements.</p>	
19	Communications and documents exchanged by the Claimant or its affiliates relating to any litigation initiated with respect to any of the 20 concessions	See General Justification B. In the Claimant’s Memorial, the Claimant conveniently downplays the significance of the legal proceedings initiated by Mineros Norteños,		Objections to the Request: Relevance and materiality; overbroad and unduly burdensome; vague; possession, custody, or control; legally privileged.	The Claimant’s objections lack merit. The requested documents are directly relevant and material, as they provide a critical record of the legal	As framed, the request is far too wide, although it may include documents that are

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>comprising the Sierra Mojada Project.</p> <p>This request includes a copy of the records of the Ordinary Civil Lawsuit No. 966/2014 initiated by northern miners against Metalín before the Thirty-Seventh Civil Court of Mexico City.</p>	<p>demanding the payment of royalties under the 1997 and 2000 Contracts.</p> <p>The Claimant has even pointed out that it had no obligation to pay royalties to Mineros Norteños. See General Justification C.</p> <p>The Respondent has demonstrated the reality of these litigations, which constitute complex domestic disputes that have confirmed Metalín's obligation to commence exploitation works and pay royalties to Mineros Norteños. Counter-Memorial, Section F.</p> <p>The documents are relevant and pertinent to the resolution of this case as they will provide a detailed understanding of the totality of the disputes between the Claimant and its</p>		<p>Relevance and materiality: For the same reasons set out above in response to Request No. 10, the requested documents are not relevant or material. Specifically, whether or not the Claimant complied with its contractual obligations under the 1997 and 2000 Contracts is irrelevant to this dispute and immaterial to its outcome. The commercial dispute between Minera Metalín and Mineros Norteños is not before this Tribunal.</p> <p>Moreover, this Request calls for the production of documents relating to any litigation with</p>	<p>disputes surrounding the Sierra Mojada Project and the Claimant's interactions with the local communities. This arbitration fundamentally arises from a social conflict, making the Claimant's relationship with the community a central issue. Mexico incorporates by reference its prior arguments on the social relevance of these disputes in response to Requests No. 17 and 18 and further states as follows:</p> <p>While the Claimant argues that litigation over the 1997 and 2000 Contracts is immaterial,</p>	<p>relevant and material.</p> <p>However, the Tribunal directs the Claimant to conduct a reasonable search for and to produce copies of documents filed by either party or issued by the court in Ordinary Lawsuit No. 966/2014.</p> <p>Otherwise, if the parties are unable to agree</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>subsidiaries, and Mineros Norteños or any other settler in Sierra Mojada. The importance of this issue has been demonstrated by the Respondent throughout its Counter-Memorial.</p> <p>This issue will confirm that the Claimant has failed to establish the necessary causal link between the alleged violation and the damage, since the real causes include, among others, the Claimant's intransigence in resisting settlement with Mineros Norteños.</p> <p>While the documents identified should have been filed with Mexican authorities, it is unreasonable to expect the Respondent to coordinate a government-wide search for the documents. To the extent that Claimant has documents</p>		<p>respect to “<i>any of the 20 concessions comprising the Sierra Mojada Project</i>”. Mexico fails to explain why it believes that any litigations beyond Lawsuit No. 966/2014 would exist and, if so, to articulate how any such litigations would be relevant or material to the issues in dispute in this case. Absent such explanation, this request is nothing more than an improper fishing expedition.</p> <p>Overbroad, unduly burdensome, and vague: This Request calls for the production of documents related to “<i>any</i>” litigation involving the 20 concessions comprising</p>	<p>the Respondent has demonstrated that the Mineros Norteños dispute resulted from Minera Metalín’s contractual breaches. Similarly, the Valdez litigation further underscores the Claimant’s recurring conflicts with local actors, as well as a proximate cause for South32’s withdrawal from the Project. These are not isolated commercial disputes but manifestations of the broader social tensions that shaped the Sierra Mojada Project and ultimately led to the withdrawal of a strategic partner (South32)—an event that the Claimant itself</p>	<p>between them to a search for a more targeted category of documents, the Respondent may (if so advised) make a further, but clearer and narrower, application</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>responsive to this request, it would be much less burdensome for it to disclose them.</p> <p>It is reasonable to assume that the documents exist because of the Claimant's attitude that has led to conflicts in Sierra Mojada. Claimant's Memorial, ¶234.</p> <p>It is reasonable to assume that they are in the Claimant's possession, custody or control, as they relate to documents from lawsuits to which they were a party.</p>		<p>the Sierra Mojada Project initiated by Mineros Norteños or “<i>any other settler in Sierra Mojada</i>” without any specificity as to the identity of the “<i>settlers</i>” or the period during which these supposed litigations occurred. The Request is therefore not narrowly tailored to produce relevant documents, but rather is overbroad, unduly burdensome, and vague.</p> <p>Moreover, Mexico's assertion in General Justification C that the Mexican courts allegedly “<i>explained and confirmed</i>” the obligation under the 1997 Agreement “<i>to</i></p>	<p>presents as central to its case. The Respondent notes that the Claimant does not deny the existence of these documents but merely objects that “Mexico fails to explain why it believes that any litigations beyond Lawsuit No. 966/2014 would exist.” The Claimant's defensive stance toward these requests, along with any future reluctance to produce these documents, should be seen as further evidence of alternative causes that explain the events that the Claimant complains of, as well as any alleged damages arising therefrom.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>begin exploitation work no later than 4 years from the date it acquired the rights to the mining concessions”</i> is misleading and wrong. As the Claimant explained in its Memorial and will reiterate in its Reply, the Mexican courts at every level dismissed (or affirmed the dismissal of) Mineros Norteños’s claims to obtain premature royalties, finding that its breach-of-contract claims were time-barred (Memorial ¶ 2.69; R-0027; R-0029; C-040). In so doing, the Mexican courts did <i>not</i> assess the validity of Mineros Norteños’s claims for royalties, nor did they</p>	<p>Moreover, the Claimant has omitted key facts that directly impact the ownership and status of the contested concessions, such as the fact that certain concessions it asserts are encumbered due to litigation in the Valdez case (Counter-Memorial, ¶¶ 225-271).</p> <p>The Claimant has sought to portray strong community support for the Project. However, the existence of multiple legal disputes—including those affecting the concessions at issue—contradicts this narrative. If the Project had been as well received as the</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>assess whether Minera Metalín had any obligation under the 1997 Agreement to pay royalties, as Mexico would like this Tribunal to believe. Rather, the Mexican courts examined the 1997 and 2000 Agreements for purposes of assessing Minera Metalín’s statute of limitations defense (R-0027 ¶ 22). Finding that the “<i>obligation claimed</i>” by Mineros Norteños regarding production began to run on 31 August 2001, the Mexican courts ruled that Mineros Norteños’s claims were time-barred (R-0027 ¶¶ 42, 48).</p> <p>Possession, custody, or control: With respect to</p>	<p>Claimant suggests, these conflicts would not have arisen. The requested documents are therefore essential to assess the Claimant’s actual relationship with the community and its role in the conflicts that ultimately undermined the Project.</p> <p>The request is narrowly tailored to litigation-related documents concerning the 20 specific concessions forming part of the Sierra Mojada Project. The Claimant is best positioned to identify the disputes in which it has been involved. If, as it contends, no significant litigation exists beyond Lawsuit</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>the records of the Ordinary Civil Lawsuit No. 966/2014, this Request calls for the production of documents filed with the Mexican courts. It is undisputed that the federal and state judiciary are organs of Mexico. The requested documents are therefore in Mexico's own possession, custody, or control. Mexico cannot shift onto the Claimant its duty to locate documents that are in the repositories of its own courts.</p> <p>Legally privileged: To the extent this Request calls for the production of documents whereby Minera Metalín requested or received</p>	<p>No. 966/2014, it should have no difficulty confirming this through its own records.</p> <p>The Claimant cannot avoid production by arguing that some documents may be filed with Mexican courts. As noted in response to Request No. 13, under the principle of cooperation, the Claimant is best positioned to produce these documents, as it was directly involved in the proceedings and is aware of their existence. Requiring the Respondent to conduct a government-wide search would be unduly burdensome in comparison.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>legal advice, or that were prepared in connection with or in anticipation of litigation, those documents are legally privileged on the basis of the attorney-client privilege, the attorney-work-product privilege, or litigation privilege.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 19.</p>	<p>Finally, regarding privileged information, if any privileged documents exist, the Claimant should produce a privilege log identifying the withheld documents and the legal basis for non-disclosure. General claims of privilege are insufficient.</p>	
20	Contracts, covenants or agreements between the Claimant or any related companies, and Messrs. T. Barry, B., Edgar, Matthew Melnyk and Juan Manuel Lopez Ramirez, detailing the	The 2016 and 2019 Demonstrations are essential to understand the arguments submitted by both parties; however, the witness statements provided by the Claimant (Messrs. T. Barry, B., Edgar, Matthew Melnyk and Juan Manuel Lopez Ramirez) show		<p>Objections to the Request: Relevance and materiality.</p> <p>Relevance and materiality: This Request calls for the production of documents detailing the terms of</p>	<p>Respondent's request is material and relevant to the outcome of this arbitration.</p> <p>While it is true that guideline 25 of the IBA Guidelines on Party Representations in</p>	<p>The Tribunal directs the Claimant to disclose to the Respondent the rates of any compensatio</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	<p>terms of their participation in this arbitration, including any financial consideration for their participation in the arbitration.</p> <p>This request is limited to documents prepared from January 2022 to the present, period which includes a reasonable date for the preparation of their Notice of Intent and any remuneration they may have received during the course of this arbitration.</p>	<p>fundamental differences in the narrative of facts (Claimant's Memorial, ¶2.72-2.87 and 2.111-2.150). Therefore, it is essential to have the contracts, covenants or agreements establishing an economic benefit for their participation in the arbitration, on the occasion of their witness statements.</p> <p>The documents are relevant and material since they will allow to rule out any conflict of interest that could pervert the vision of the witnesses hired by SVB to narrate the facts of the dispute, as well as any economic interest in the outcome of this arbitration.</p> <p>It is reasonable to assume that these documents exist and are in the possession, custody or control of the Claimant as they</p>		<p>participation of the Claimant's witnesses, Messrs. Barry, Melnyk, and López Ramírez, in this arbitration. The requested documents are not relevant or material to any issue in dispute in this case.</p> <p><i>First</i>, Mexico's suggestion that the requested documents are necessary to "<i>rule out any conflict of interest</i>" is misguided and wrong. As Guideline 25 of the IBA Guidelines on Party Representations in International Arbitration provides, "<i>[a] Party Representative may pay, offer to pay, or acquiesce in the payment of (a)</i></p>	<p>International Arbitration permits to pay for "<i>expenses reasonably incurred by a Witness...</i>" and "<i>reasonable compensation for the loss of time incurred by a Witness in testifying and preparing to testify</i>" it is also true that in order to assess whether any expenses or compensation to a witness are reasonable, the terms on which those expenses or compensation were paid are needed.</p> <p>The original contracts, covenants or agreements establishing an economic benefit for the Claimant's witnesses' participation</p>	<p>n it has agreed to pay the named witnesses for testifying and preparing to testify and whether, as regards expenses, it has agreed to pay anything other than those reasonably incurred.</p> <p>Otherwise refused.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		are part of the key documents of any company.		<p><i>expenses reasonably incurred by a Witness or Expert in preparing to testify or testifying at a hearing; (b) reasonable compensation for the loss of time incurred by a Witness in testifying and preparing to testify; and (c) reasonable fees for the professional services of a Party-appointed Expert”.</i></p> <p>This principle has been affirmed by a number of arbitral tribunals, including the tribunal in <i>Odyssey Marine Exploration, Inc. v. Mexico</i>. As the <i>Odyssey</i> tribunal underscored in its recent award, “<i>the fact that witnesses are</i></p>	<p>in the arbitration will allow the Tribunal to analyze its coherence towards the activities carried out by the witnesses, which is important to their credibility. This is particularly critical in the present case, as all of the Claimant’s witnesses are or have been under its control (i.e., they have worked or remain to work for the company). Moreover, as the Respondent has noted in several of its written submissions, including at the document production phase, a significant portion of the Claimant’s arguments rely solely on these witness</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>remunerated for the time and costs associated with their statements at trial is not a circumstance that disqualifies them as witnesses or casts doubts on their impartiality” but rather is “something expressly provided for and accepted in various rules governing arbitration”.</i> ICSID Case No. UNCT/20/1, Award, dated 17 September 2024, at para. 339, last accessed 3 February 2025, available at https://www.italaw.com/sites/default/files/case-documents/italaw182566.pdf.</p> <p><i>Second</i>, even assuming that the Claimant’s</p>	<p>statements (i.e., there are over “300” references to them in the Claimant’s 120-page Memorial), without any additional or independent corroborating evidence.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>witness statements “<i>show fundamental differences in the narrative of facts</i>” – which they do not – the requested documents relating to the terms of participation of the Claimant’s witnesses are not relevant or material to assessing alleged factual inconsistencies, as they have no bearing on the facts in this case. Indeed, Mexico fails even to identify what the alleged factual inconsistencies are, instead broadly citing entire pages-long sections of the Memorial and asserting without explanation that they are inconsistent with one</p>		

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>another. The Claimant and the Tribunal cannot be forced to speculate as to what these alleged factual differences are.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 20.</p>		
21	External files referenced in Exhibits SD-027 (i.e., SVB historical expense) SD-028 and SD-058 (i.e., Consolidated Workbook).	<p>Some of the evidence submitted with Claimant's damages expert contained reference errors (marked as "#REF!" in excel) and missing source documents that prevented or limited their analysis by Mexico's expert.</p> <p>Respondent alerted Claimant of this problem on September 13, 2024 and requested a correction of the missing spreadsheets and source files. Claimant responded on September 25, 2024 with</p>		<p>Objections to the Request: Relevance and materiality.</p> <p>Relevance and materiality: This Request calls for the production of external files referenced in three exhibits that the Claimant's damages expert, BRG, relied upon to conduct its valuation</p>	<p>Respondent's requests are relevant and material to the outcome of this arbitration.</p> <p>As explained before, Claimant expert included as exhibits to its report documents SD027, SD-028 and SD-029.</p> <p>Thus, whether "Mr. Dellepiane and his team</p>	<p>Refused. There seems no reason to suppose the files referred to are material to the outcome of the case.</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>partially corrected versions of the missing files and external sources. However, several errors remained.</p> <p>Respondent again addressed Claimant on September 26, 2024 requesting correction of the remaining reference errors. Claimant responded on October 2, 2024 arguing that its damages expert did not rely on any of the error cells or missing information referred to in Respondent's communication of September 26, 2024.</p> <p>The documents are relevant to the dispute as they were offered in support of the damages report submitted with Claimant's Memorial. Respondent has the right to review and comment on all of the information submitted in support of the damages claim, regardless of whether Claimant</p>		<p>of the Project: SD-027, SD-028, and SD-058.</p> <p>As a preliminary matter, SD-028 is a document that sets out the drilling plan for the joint venture between South32 and SVB. It is unclear which external files Mexico refers to in this Request, and Mexico has failed to explain in any way how these undefined files would be relevant to this dispute or material to its outcome.</p> <p>As for SD-027 and SD-058, Mexico appears to premise its Request on alleged reference errors present in the spreadsheet cells related</p>	<p>did not review or rely on the additional information requested by the Respondent” is irrelevant. The information contained in those exhibits relates to the alleged damages suffered by Claimant, otherwise they would not appear in the files and would not have been submitted as supporting documentation for this arbitration. Therefore, the Respondent and its expert have the right to review this information. Whether it was used or not by BRG or if it is material to the damages analysis can then be assessed by the Respondent and the Tribunal, considering</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		now alleges that its expert did not use the requested information for its report.		to “ <i>missing spreadsheets and source files</i> ”, which, Mexico alleges, the Claimant has only partially corrected. Mexico is mistaken: the Claimant previously confirmed that it corrected the reference errors originally present in SD-027 and many of the reference errors in SD-058. And even if SD-058 continues to reflect reference errors, the Claimant has explained to Mexico that BRG did not rely upon any external, native files referenced in that exhibit to prepare its expert report: by email dated 2 October 2024, the Claimant confirmed that	this is a disputed matter. Again, the Claimant’s own opinion on what is or not relevant for its claims is not a valid basis for objecting the production of documents that are directly related with the subject-matter of this arbitration.	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p><i>“Mr. Dellepiane and his team did not review or rely on the additional information requested by the Respondent and provided on 25 September 2024” (the external files) and that “Mr. Dellepiane and his team did not review or rely on the information contained in or underlying the “#REF!” cells preparing his expert report, as that information was not material to his analysis” (Email from BSF to Mexico dated 25 September 2024, Exhibit C-0159; SD-058 (revised as of 25 September 2024), Exhibit C-0160; SD-027 (revised as of 25</i></p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>September 2024), Exhibit C-0161; email from BSF to Mexico dated 2 October 2024, Exhibit C-0162).</p> <p>Thus, contrary to Mexico’s baseless assertion that these documents are relevant because they “<i>they were offered in support of the damages report submitted with Claimant’s Memorial</i>”, BRG confirmed that they relied only on SD-027 (which now contains zero cells with errors) and SD-058 (which now contains “#REF!” errors only in cells that BRG does not rely upon in its analysis) to determine the total amount that the Claimant invested in the</p>		

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Sierra Mojada Project. BRG did not rely on any native or external files related to the Claimant's preparation of SD-027 and SD-058.</p> <p>Moreover, despite the fact that external files are referenced in specific cells within SD-027 and SD-058, Mexico has failed to explain how the content of any of these files would be relevant to this dispute or material to its outcome.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 21.</p>		
22	Documents showing proof of the funding	See General Justification E.		Objections to the Request: Relevance and	As explained by the Respondent, BRG's	Refused for substantially

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	that the Claimant allegedly received from capital increases or from third parties.	<p>To calculate the value of the Sierra Mojada project under the cost approach, BRG allegedly sums up SVB's historical expenditures in the project. However, in BRG's calculation, it includes cash inflows and capital increases, whether from SVB or from third parties without ever demonstrating that this extra funding was indeed received by SVB.</p> <p>This information is noted in Exhibit SD-003, tab "Expenditure Base", columns C, D, E. See, for example, ¶¶ 97-98 of BRG's Report, as well as ¶¶ 15 and 16 of the NOI, and ¶¶ 3.8, 4.16 and 7.1 of the RfA.</p> <p>The documents are relevant to the case and material to its resolution because they relate to the calculation of damages under the cost approach that</p>		<p>materiality; overbroad and unduly burdensome; possession, custody, or control.</p> <p>Relevance and materiality: This Request calls for documents evidencing funding that the Claimant received from capital increases or from third parties over a 26-year period. But the Claimant's audited financial statements, which are publicly available, are sufficient to show any capital raised from third parties. Mexico does not (and indeed could not) challenge the veracity of such audited financial statements. To the extent Mexico is requesting the</p>	<p>calculation includes cash inflows and capital increases, whether from SVB or from third parties without ever demonstrating that this extra funding was indeed received by SVB.</p> <p>The requested documents are relevant and material to the dispute as will demonstrate if the extra funding was indeed received by SVB.</p> <p>On the other hand, the Claimant argues that Respondent's request is not relevant and material as "Claimant's audited financial statements, which are publicly available, are</p>	the reasons given by the Claimant.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>both parties have presented in the present arbitration.</p> <p>It is reasonable to assume that the requested documents exist and are in Claimant's possession as they constitute corporate records that any company would have produced or maintained in the ordinary course of business.</p>		<p>data underlying those audited financial statements, however, Mexico has failed to explain why the quantification of damages in this case would require reauditing each and every expense that is listed in an investor's audited accounts. To the extent Mexico is requesting documents evidencing <i>internal</i> capital increases made from Silver Bull to Minera Metalín, that request is overbroad and unduly burdensome, as explained below.</p> <p>Overbroad and unduly burdensome: This Request calls for documents that go well beyond the audited</p>	<p>sufficient to show any capital raised from third parties". However, Claimant itself recognizes that such audited financial statements do not cover the whole period that SD-003 reflects. ("go well beyond the audited financial statements, spanning a 26-year period: the time reflected in SD-003.")</p> <p>The request is also not overbroad and unduly burdensome. SD-003 covers a 26-year period but it was the Claimant itself who choose that period of time. Moreover, since the data was included in the file through a now broken link, it is</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>financial statements, spanning a 26-year period: the time range reflected in SD-003. It is therefore patently overbroad. In any event, the Claimant’s audited financial statements are available publicly via EDGAR. As noted above, those documents are sufficient to show any funding and capital increases that the Claimant received from third parties. Again, the quantification of damages is not an auditing exercise, and Mexico’s requests for seemingly all documents used to produce the Claimant’s internal accounting records and audited financial</p>	<p>expected that Claimant knows precisely what the source of the information is.</p> <p>The Claimant mischaracterizes Respondent’s request and purports to limit it to “data underlying Exhibit SD-003”. However, Respondent’s request is clear, Respondent requested “[d]ocuments showing proof of the funding that the Claimant allegedly received from capital increases or from third parties”. Such documents have not been included into the record of the arbitration and the Respondent has not access to them.</p>	

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>statements is overbroad and unduly burdensome.</p> <p>To the extent Mexico's request calls for documents evidencing payments made by Silver Bull to Minera Metalín internally, the request is overbroad and unduly burdensome. To produce all responsive documents, the Claimant would need to search for individual bank statements supporting each transfer from the parent to its subsidiary spanning a 26-year period. Indeed, this Request would require searching the Claimant's accounting records even beyond the statutory terms in force in Canada and the United States,</p>		

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>which for tax purposes generally require companies to keep accounting records for six and three years, respectively, from the end of the last tax year to which the records relate (See Government of Canada, “<i>Keeping records</i>”, last accessed 28 Jan. 2025, available at https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/keeping-records/where-keep-your-records-long-request-permission-destroy-them-early.html; Internal Revenue Service (IRS), “<i>How long should I keep records?</i>”, last accessed 8 Jan. 2025, available at <a 483="" 514="" 917="" 939"="" data-label="Page-Footer" href="https://www.irs.gov/busi</p> </td> <td></td> <td></td> </tr> </tbody> </table> </div> <div data-bbox="> <p style="text-align: center;">100</p> </p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>nesses/small-businesses-self-employed/how-long-should-i-keep-records). Given the breadth of the request, Mexico’s assertion that the company would have produced or maintained such records in the ordinary course of business is not credible. Accordingly, as formulated, the Request is unduly burdensome.</p> <p>Possession, custody, or control: This Request calls for “[d]ocuments showing proof of the funding that the Claimant allegedly received from capital increases or from third parties”. In its justification, Mexico appears to call</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>specifically for the production of data underlying Exhibit SD-003, an exhibit reflecting the Claimant's Expenditure Base that was generated for purposes of BRG's valuation calculation. The source of this data was already produced, however, as SD-027 and SD-058, as sourced in SD-003, sheet "Expenditure Base", rows 38-41. Moreover, as set out above, the Claimant's audited financial statements are available publicly, via EDGAR, and those statements are sufficient to show any third-party funding received by the Claimant.</p>		

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 22.		
23	Documents showing proof that the funding received by the Claimant from capital increases or from third parties was spent.	See General Justification E and justification of the previous request. To calculate the value of the Sierra Mojada project under the cost approach, BRG allegedly sums up SVB's historical expenditures in the project. However, in BRG's calculation, it includes cash inflows and capital increases, whether from SVB or from third parties, as costs incurred without ever demonstrating that this extra funding has been spent. This information is noted in Exhibit SD-003, tab "Expenditure Base", columns C,		As set out above in response to Request No. 22, the Claimant's audited financial statements are available publicly. Such documents are more than sufficient to address the gravamen of Mexico's request, which is to verify the cost approach valuation presented by BRG. The Claimant reiterates its objections to this Request as set out above in response to Mexico's Request No. 22.	The response to objection to the Request No. 22 is incorporated <i>mutatis mutandis</i> into this Request No. 23.	As 22.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		D, E. See, e.g., ¶¶ 97-98 of the BRG Report.		For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 23.		
24	Invoices and proofs of payments to the Contratistas, and an explanation of what these payments relate to, and where they can be found in financial statements.	See General Justification E and justification to request 21. To calculate the value of the Sierra Mojada project under the cost approach, BRG includes in its calculation of historical expenditures amounts incurred in relation to "Contratistas account balance". It is unclear what service these Contratistas have performed, and if they are being taken into account already in other categories of SVB's expenditures, such as in the operating loss. This information is shown in exhibit SD-003, tab "Expenditure Base", column F.		Objections to the Request: Relevance and materiality; overbroad and unduly burdensome. Relevance and materiality: For the same reasons set out above in response to Request No. 22, the requested documents are not relevant to this dispute or material to its outcome. As the Claimant's witness, Mr. Edgar, explains in his witness statement, <i>Contratistas</i> is a subsidiary of the	The response to objection to the Request No. 22 is incorporated <i>mutatis mutandis</i> into this Request No. 24.	As 22.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>It is reasonable to assume that the requested documents exist and are in Claimant's possession as they constitute corporate records that any company would have produced or maintained in the ordinary course of business.</p>		<p>Claimant, through which (among other subsidiaries) the Claimant operated the Sierra Mojada Project. The Claimant's publicly available audited financial statements are sufficient to show total payments made by the Claimant to its subsidiaries in furtherance of the Project. But this Request goes well beyond and seeks individual invoices between the Claimant and <i>Contratistas</i>, coupled with explanations for each individual payment. Mexico makes this broad and burdensome request despite the fact that total expenditures related to the <i>Contratistas</i> Account</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				Balance in SD-003, sheet “Expenditure Base”, are approximately USD 50,000, just 0.06% of the total USD 85.6 million expenditures calculated by BRG (SD-003, sheet “Expenditure Base”, column F and cell C34). Thus, the Request relates to amounts that are immaterial to the damages calculation – requiring the Claimant to search for and produce these documents is therefore neither necessary nor warranted. Mexico has not demonstrated why such granular information related to the Claimant’s payments to <i>Contratistas</i> is relevant or material to any issue in dispute in this case. The Request		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>thus amounts to nothing more than an improper fishing expedition.</p> <p>Overbroad and unduly burdensome: This Request calls for the production of invoices showing proof of payments to <i>Contratistas</i>, without any limitation as to the time period that it covers. Again, the Claimant's audited financial statements are publicly available, and they are sufficient to show expenses made by the Claimant's subsidiaries, including <i>Contratistas</i>.</p> <p>This Request is not narrowly tailored, but rather is overbroad and unduly burdensome.</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				Indeed, this Request would require the Claimant to search for all documents evidencing a payment to <i>Contratistas</i> for the relevant 15-year period – the time range covering <i>Contratistas</i> in Exhibit SD-003 (Column F). This would require an exhaustive search of the Claimant’s accounting records, even beyond the statutory terms in force in Mexico, Canada, and the United States, which for tax purposes generally require companies to keep accounting records for five, six, and three years, respectively, from the end of the last tax year to which the records relate		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>(See Government of Canada, “<i>Keeping records</i>”, last accessed 28 Jan. 2025, available at https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/keeping-records/where-keep-your-records-long-request-permission-destroy-them-early.html; Internal Revenue Service (IRS), “<i>How long should I keep records?</i>”, last accessed 8 Jan. 2025, available at https://www.irs.gov/businesses/small-businesses-self-employed/how-long-should-i-keep-records; Gobierno de México – Servicio de Administración</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Tributaria (SAT), Código Fiscal, Artículo 30, Fracción III, “<i>La documentación a que se refiere el párrafo anterior de este artículo y la contabilidad, deberán conservarse durante un plazo de cinco años, contado a partir de la fecha en la que se presentaron o debieron haberse presentado las declaraciones con ellas relacionadas</i>”). Given the breadth of the Request, Mexico’s assertion that the company would have produced or maintained such records in the ordinary course of business is not credible.</p>		

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>Accordingly, as formulated, the Request is unduly burdensome.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 24.</p>		
25	Invoices or documents that would permit the verification of SVB's expenditures in Sierra Mojada related to salaries, wages, exploration and research, as shown in SD-003, tab "Expenditure Base", column G.	<p>See General Justification E.</p> <p>To calculate the value of the Sierra Mojada project under the cost approach, BRG includes in its calculation of historical expenditures amounts incurred in relation to salaries, wages, exploration and research.</p> <p>The amounts included by BRG are not audited or backed by audited documents, and therefore are unreliable. The spreadsheets submitted in evidence of these expenditures</p>		<p>Objections to the Request: Relevance and materiality; overbroad and unduly burdensome.</p> <p>Relevance and materiality: For the same reasons set out in response to Request No. 22, the requested documents are not relevant to this dispute or material to its outcome.</p> <p>Overbroad and unduly burdensome: This</p>	The response to objection to the Request No. 22 is incorporated <i>mutatis mutandis</i> into this Request No. 25.	As 22.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		<p>are not backed up by any invoices or documents that would allow a verification of these figures. It is not possible to find the claimed expenses to be reliable without an audit or check of these amounts.</p> <p>See exhibit SD-003, tab “Expenditure Base”, column G. See, for example, ¶¶ 3-5 of the BRG Report.</p> <p>The requested documents are relevant to the case and material to its resolution because they relate directly to the calculation of damages under the cost approach. The Respondent considers that it is entitled to verify the amounts reported by the Claimant as expenses attributable to the Project.</p> <p>It is reasonable to assume that the requested documents exist</p>		<p>request calls for the production of documents showing proof of the Claimant’s historical expenditures related to salaries, wages, exploration, and research. As set out in response to Request Nos. 22-24, Mexico already has access via public databases to the Claimant’s audited financial statements; those statements corroborate the amounts in Exhibit SD-003 and are sufficient to show the Claimant’s total expenditures related to salaries, wages, exploration, and research. The Request calls for documents that</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		and are in Claimant's possession as they constitute corporate records that any company would have prepared or maintained in the ordinary course of business.		<p>go well beyond the audited financial statements, however, apparently seeking proof of every individual expenditure spanning a 13-year period, the time range reflected in Exhibit SD-003 for salaries, wages, exploration, and research (Column G). This Request is therefore not narrowly tailored, but rather is overbroad and unduly burdensome.</p> <p>Indeed, this Request would require the Claimant to search for all documents evidencing the Claimant's individual payments of any salary, wage, or other expenditure related to exploration and research</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>services, apparently over a 13-year period—the time range reflected in Exhibit SD-003 for salaries, wages, exploration, and research (Column G)—which, as explained above in response to Request No. 24, would require searching the Claimant’s accounting records even beyond the statutory terms in force in Mexico, Canada, and the United States, which for tax purposes generally require companies to keep accounting records for five, six, and three years, respectively, from the end of the last tax year to which the records relate. Given the breadth of this Request, Mexico’s assertion that</p>		

ANNEX B

No	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>the company would have produced or maintained such records in the ordinary course of business is not credible. Accordingly, as formulated, the Request is unduly burdensome.</p> <p>For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 25.</p>		
26	<p>Contracts, agreements and any addenda entered into between SVB and Minera Metalín with Bench Walk 23P, L.P., <i>Third Party Funder</i> in this dispute.</p> <p>This request is limited to the period from</p>	<p>See C-0152.</p> <p>The requested documents are relevant and material to the outcome of this dispute, as they will provide insight into the obligations assumed by SVB towards its financiers.</p> <p>Furthermore, the requested documentation will provide</p>		<p>Objections to the Request: Relevance and materiality; commercial confidentiality.</p> <p>Relevance and materiality: The requested documents relating to the Claimant's third-party funding arrangement with Bench</p>	<p>The response to objection to the Request No. 1 is incorporated <i>mutatis mutandis</i> into this Request No. 26.</p> <p>The requested documents will allow the Tribunal to understand Claimant's obligations towards its</p>	<p>The issue under ICSID Arbitration Rules 14.4 and 36.3 is whether (subject to any question of commercial confidentialit</p>

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
	September 4, 2023 to the present (January 13, 2025).	<p>clarity on the financial and contractual capacity of the Claimant.</p> <p>This could affect Claimant's standing.</p> <p>In addition, the Respondent has presented evidence indicating that SVB is not a financially healthy company, as it has relied on financing to survive. These financings, together with the contractual obligations assumed by SVB, are relevant to:</p> <ol style="list-style-type: none"> 1. Evaluate the viability of the Sierra Mojada Project. 2. Determine if there are any commitments that could impact its Mexican subsidiary. <p>The Respondent considers it reasonable to assume that Claimant has in its possession, custody or control the requested documents, since it has issued a</p>		<p>Walk are not relevant or material to any issue in dispute in this case.</p> <p>The Claimant's claims in this case arise out of Mexico's arbitrary and unreasonable failure to protect the Claimant's investment in the Sierra Mojada Project from the Continuing Blockade, which led to the Claimant's loss of its entire investment in Mexico (<i>See</i> Memorial ¶¶ 1.2, 2.201-2.211, 3.28). The Claimant's funding agreement and other requested documents are not relevant or material to those issues; they are unrelated to the</p>	<p>Third Party Funder, and to assess whether the Claimant will be in a position to pay Mexico in the event that the Tribunal determines that the Claimant must bear any of the costs of the arbitration, including the Respondent's defense costs.</p> <p>In addition, Claimant has failed to establish that the requested documents are confidential. Claimant merely states that "the information contained in the requested documents is confidential commercial information relating to a third-party funder that is not party</p>	<p>y) production of these documents is necessary at this stage of the proceedings.</p> <p>Without prejudice to whether the position may be different at a later stage, and putting aside for present purposes only the commercial confidentiality objection, they do not appear to have much relevance or</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
		communication referring to the contract in question.		<p>Claimant’s investment and Mexico’s breaches of the NAFTA. Indeed, the Claimant’s funding agreement was signed in September 2023 and therefore postdates the measures that form the subject of this case.</p> <p>Mexico further asserts without basis that the requested documents are relevant to “[e]valuate the viability of the Sierra Mojada project”. Mexico fails to explain how the requested documents would shed any light on this issue. In any event, evidence of the Claimant’s financial standing with respect to the Project would be</p>	<p>to this proceeding.” However, the Claimant has not explained why any of the information contained in the requested documents is “confidential commercial information”.</p> <p>If the Claimant considers that the requested documents are confidential, it shall produce a privilege log.</p>	<p>to be material to the outcome of the case at the moment.</p> <p>They would appear to have little bearing on the Claimant’s historic financial position.</p> <p>If it were sufficient to argue, as the Respondent does, that the documents are needed “to assess whether the Claimant will</p>

ANNEX B

No.	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>found in its audited financial statements, which are available publicly via EDGAR, and its agreement with South32 for additional financing.</p> <p>Mexico also speculatively asserts that the requested documents “will provide insight into the obligations assumed by SVB towards its financiers”, which could “affect Claimant’s standing”. Mexico has not contested the Claimant’s standing in this case based on the existence of third-party funding or explained how such funding could conceivably affect the Claimant’s standing. This Request is therefore</p>		<p>be in a position to pay Mexico in the event that the Tribunal determines that the Claimant must bear any of the costs of the arbitration, including the Respondent’s defense costs” then such documents ought to be produced early in any case with third party funders. However,</p>

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>nothing more than a speculative fishing expedition, initiated in the hope of obtaining documents that could support a baseless standing objection that Mexico has not even asserted.</p> <p>In accordance with ICSID Arbitration Rule 14, parties are required to “<i>file a written notice disclosing the name and address of any non-party from which the party</i>” has received funds (Exhibit CL-002 at 103). The Claimant duly complied with this requirement by letter dated 7 September 2023 (Exhibit C-0152). The requested documents are therefore not relevant to</p>		this does not seem to be what is contemplated by Rule 14.

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				<p>this dispute or material to its outcome.</p> <p>Commercial confidentiality: This Request calls for the production of documents subject to commercial confidentiality under Article 9(2)(e) of the IBA Rules. The requested funding agreement not only contains a confidentiality provision prohibiting disclosure to third parties, but the information contained in the requested documents is confidential commercial information relating to a third-party funder that is not party to this proceeding.</p>		

ANNEX B

No .	Documents or category of documents requested (Requesting Party)	Pertinence and relevance, including references to the presentation (Requesting Party)		Reasoned objections to the request for production of documents (Opposing Party)	Response to objections to the request for production of documents (Requesting Party)	Decision (Tribunal)
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Comentarios			
				For these reasons, the Claimant respectfully requests the Tribunal to deny Mexico's Request No. 26.		