

**IN THE MATTER OF AN ARBITRATION UNDER THE NORTH AMERICAN FREE
TRADE AGREEMENT AND THE UNITED STATES-MEXICO-CANADA
AGREEMENT**

- and -

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

- between -

Coeur Mining, Inc.

(the “Claimant”)

and

United Mexican States

(the “Respondent”)

ICSID Case No. UNCT/22/1

PROCEDURAL ORDER No. 10

Tribunal

Ms. Sabina Sacco, President
Mr. Pierre Bienvenu, Ad. E.
Prof. Hugo Perezcano Díaz

Secretary of the Tribunal

Ms. Elisa Méndez Bräutigam

17 March 2025

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I. SCOPE OF THIS ORDER

1. This Procedural Order No. 10 (“**PO10**”) addresses the organization of the hearing on the Respondent’s jurisdictional objections scheduled to take place in Washington D.C. from 31 March to 1 April 2025 (the “**Hearing**”).

II. PROCEDURAL BACKGROUND

2. On 10 October 2024, and after hearing the Parties, the Tribunal determined that the hearing on jurisdiction would be held in person at the ICSID facilities in Washington, D.C. from 31 March to 1 April 2025.
3. On 18 February 2025, the Parties identified the witnesses and experts that they wished to cross-examine at the Hearing. Specifically, the Respondent called Mr. Kenneth Smith Ramos (the Claimant’s fact witness) and Prof. Andrea Bjorklund (the Claimant’s legal expert). The Claimant announced that it would not call Prof. Christian J. Tams (the Respondent’s legal expert) but reserved its right to cross-examine him if the Tribunal or the Respondent requested his participation at the Hearing.
4. On 23 February 2025, the Respondent requested the examination of Prof. Tams at the Hearing pursuant to para. 60 of Procedural Order No. 1 (“**PO1**”).
5. On 24 February 2025, the Tribunal circulated a draft of this PO10 and invited the Parties comments thereon.
6. On 27 February 2025, the Claimant commented on the Respondent’s request for the examination of Prof. Tams at the Hearing.
7. On 5 March 2025, the Tribunal informed the Parties of its decision to call Professor Tams to be examined at the Hearing in accordance with para. 60 of PO1.
8. On 6 March 2025, the Parties provided their comments on the Tribunal’s proposed draft of PO10.
9. On 7 March 2025, the Tribunal circulated a protocol (the “**Hearing Protocol**”) that would apply to Canada’s representatives and counsel for the Respondent who would attend the Hearing remotely (the “**Remote Participants**”) and invited the Parties to comment on the Hearing Protocol during the Pre-Hearing Conference.
10. On 10 March 2025 at 3 pm CET, the Tribunal and the Parties held the Pre-Hearing Conference over Zoom platform to discuss the outstanding issues pertaining to the organization of the Hearing. The following persons participated in the Pre-Hearing Conference:
 - a. For the Tribunal:

Ms. Sabina Sacco (Presiding Arbitrator)
Mr. Pierre Bienvenu, Ad. E. (co-arbitrator)
Prof. Hugo Perezcano Díaz (co-arbitrator)
 - b. For the Claimant:

Mr. Rahim Moloo (Gibson, Dunn & Crutcher LLP)
Ms. Lindsey D. Schmidt (Gibson, Dunn & Crutcher LLP)
Ms. Stephanie Collins (Gibson, Dunn & Crutcher LLP)
Mr. Pablo Garrido (Gibson, Dunn & Crutcher LLP)
Ms. Nika Madyoon (Gibson, Dunn & Crutcher LLP)

c. For the Respondent:

Mr. Alan Bonfiglio Ríos, Secretaría de Economía, México
Mr. Geovanni Hernández Salvador, Secretaría de Economía, México
Mr. Alejandro Rebollo Ornelas, Secretaría de Economía, México
Mr. Luis Fernando Muñoz Rodríguez, Secretaría de Economía, México
Mr. Fabián Arturo Trejo Bravo, Secretaría de Economía, México
Ms. Alicia Monserrat Islas Martínez, Secretaría de Economía, México
Ms. Monserrat Pérez Vázquez, Secretaría de Economía, México
Mr. Greg Tereposky, Tereposky & DeRose LLP
Mr. Daniel Hohnstein, Tereposky & DeRose LLP
Mr. Alejandro Barragan, Tereposky & DeRose LLP
Mr. Juan Pablo Gomez, Tereposky & DeRose LLP
Mr. Sasha Cannon, Tereposky & DeRose LLP

d. ICSID Secretariat:

Ms. Elisa Méndez Bräutigam (ICSID)

11. During the Pre-Hearing Conference, the Tribunal and the Parties discussed the terms set out in the draft of PO10 and the Hearing Protocol. The Respondent reserved its comments on the Hearing Protocol.
12. A recording of the Pre-Hearing Conference was deposited in ICSID's archives. It was made available to the Tribunal and the Parties on 10 March 2025.
13. On 12 March 2025, the Respondent confirmed that it agreed with the Hearing Protocol.
14. This Order reflects the agreements reached by the Parties with respect to hearing organization and logistics and, where there was no agreement, the Tribunal's decisions. Unless otherwise noted below, the rules applicable to hearings set out in PO1 shall apply to the organization of the Hearing.

III. HEARING FORMAT AND DATES

A. Format of the Hearing

15. As agreed by the Parties and confirmed by the Tribunal, the Hearing shall be held in person at the ICSID facilities located at World Bank C Building, 1225 Connecticut Ave. N.W., Washington, D.C.
16. Pursuant to paragraph 73 of PO1, the Hearing shall be held *in camera* in accordance with Article 25(4) of the UNCITRAL Rules. However, provisions have been made for

the participation of representatives of the Non-Disputing NAFTA Parties that formally requested to attend the Hearing.

B. Dates and times of the Hearing

17. The Hearing shall take place on Monday, 31 March and Tuesday, 1 April 2025.
18. The Hearing shall start each day at 9 am EDT and end at 6 pm EDT.
19. Every day there will be at least two 15-minute breaks, as well as a one-hour lunch break. The Tribunal will determine the specific times for these breaks, depending on the progress of the Hearing.

IV. NON-DISPUTING NAFTA PARTIES

20. In accordance with Section 81 of PO1, provisions shall be made for representatives of the Non-Disputing NAFTA Parties to attend the Hearing upon request.
21. On 4 February 2025, the ICSID Secretariat invited the Non-Disputing NAFTA Parties to inform the Tribunal and the Parties by 17 February 2025 whether they were planning to attend the Hearing and, if so, to provide their lists of participants.
22. On 5 February 2025, Canada inquired whether its representatives might attend the Hearing remotely.
23. On 18 February 2025, the Non-Disputing NAFTA Parties confirmed that they would attend the Hearing. The United States indicated that it would make an oral submission, while Canada announced that it would not.
24. On 24 February 2025, the Tribunal confirmed that Canada's representatives may participate remotely at the Hearing, but the United States' representatives should participate in person.
25. On 27 February and 3 March 2025, the Non-Disputing NAFTA Parties provided their respective lists of participants.
26. On 13 March 2025, the Secretary of the Tribunal shared the Hearing Protocol with Canada's representatives and invited their comments.

V. HEARING PROCEDURE

A. Time allocation

27. Pursuant to paragraph 7 of PO1, each Party shall have an equal time allocation (regardless of its actual use or not) to make oral submissions and examine witnesses and/or experts, subject to the Tribunal's adjustments if due process so requires.
28. The following specific rules will apply to time allocation:
 - a. Time spent by a Party in its oral submissions shall be deducted from the time allocated to that Party.

- b. Time spent on the direct and re-direct examination of a witness or expert (including time used by experts during presentations in lieu of direct) shall be deducted from the time allocated to the Party presenting the witness or expert.
 - c. Time spent on the cross-examination of a witness or expert shall be deducted from the time allocated to the Party cross-examining the witness or expert.
 - d. Time spent by the Parties, witnesses or experts responding to the Tribunal's questions shall not be deducted from the Parties' allocated time.
 - e. Time spent on discussions related to a procedural objection put forward by a Party shall be deducted from the time allocated to the Party against whom the objection is decided.
 - f. Time spent by the Non-Disputing NAFTA Parties in any oral submissions shall not be deducted from the Parties' allocated time.
 - g. Time devoted to discussions concerning administrative matters or addressing technical contingencies shall not be deducted from the Parties' allocated time.
29. The Tribunal estimates that the time available for the Hearing will be **14 hours**, out of which **10 hours** will be assigned to the Parties, with the remaining **4 hours** to be reserved for the Tribunal's use, Non-Disputing NAFTA Party submissions and procedural matters. Accordingly, each Party shall have a total of **5 hours** for the entire Hearing, (including oral arguments and examination of witnesses and experts), to be allocated as it sees fit.

B. Organization and sequence of oral submissions

30. The Parties shall each make oral opening statements on Day 1, starting with the Respondent and followed by the Claimant. The Parties will have full flexibility to determine the length they wish to devote to oral opening statements. For organizational purposes, the Parties have indicated an estimate of the time they wish to devote to opening statements in the estimated hearing schedule attached as **Annex 1**.
31. The United States shall make a brief oral submission of no more than 30 minutes.
32. The Parties may make brief rebuttal statements of no more than 15 minutes, in which they may also comment on the United States' submission.
33. The Parties may make oral closing submissions of no more than 20 minutes.

C. Hearing schedule

34. A tentative Hearing schedule is contained in **Annex 1**.
35. The Tribunal may vary the Hearing schedule if and when necessary to ensure the fair and efficient conduct of the Hearing and that each Party has a fair opportunity to present its case, in particular due to delays or other interruptions.
36. The Hearing schedule will follow roughly the following sequence:

- a. On the morning of Day 1:
 - i. The Parties shall present opening statements of approximately 90 minutes, starting with the Respondent and followed by the Claimant.
 - ii. The United States shall then make an oral submission of no more than 30 minutes.
 - b. On the afternoon of Day 1:
 - i. The Parties may make brief rebuttal statements of no more than 15 minutes, in which they may also comment on the United States' submission.
 - ii. The remainder of Day 1 shall be devoted to the examination of the Claimant's fact witness.
 - c. On the morning of Day 2:
 - i. The morning of Day 2 shall be devoted to the examination of the Parties' experts.
 - d. On the afternoon of Day 2:
 - i. The Tribunal may convene an expert conferencing panel, in order to ask additional questions to the experts appearing jointly.
 - ii. The Parties may make oral closing submissions of no more than 20 minutes.
 - iii. The Hearing shall conclude with a discussion of the next procedural steps.
37. The Tribunal Secretary shall calculate, on a daily basis, the total time employed by each Party during oral submissions and the examination of witnesses using the *chess-clock* method, under the Tribunal's supervision. The Secretary of the Tribunal shall advise the Parties of the total daily time used at the end of each Hearing day.

D. Fact witness and expert witness examinations

38. The following witnesses/experts will be examined at the Hearing:

No.	Category	Respondent's fact/expert witnesses	Claimant's fact/expert witnesses	Language of examination
1.	Fact witness		Mr. Kenneth Smith Ramos	English
2.	Legal expert		Prof. Andrea Bjorklund	English
3.	Legal expert	Prof. Christian Tams		English

39. Subject to a different agreement by the Parties or a different ruling by the Tribunal, a fact witness shall not be present in the hearing room during oral testimony and arguments (including opening statements), or read transcripts of oral testimony or argument, prior to his or her examination. This limitation does not apply to (i) representatives of the Parties who are called as witnesses who, to the extent possible, shall be questioned before the rest of the witnesses, nor to (ii) expert witnesses. Should a fact witness be recalled for further examination, the Parties acknowledge and accept that he or she may have been present in the hearing room or read the transcript prior to his or her second examination.
40. The procedure for examining the fact witness at the Hearing shall be as follows:
- a. The witness will be heard under the promise of truth;
 - b. The witness will be invited to confirm or correct his witness statement(s);
 - c. The Party who has presented the witness may briefly examine the witness for purposes of asking introductory questions, and to address matters which have arisen after such statement was drafted in accordance with paragraph 45 of PO1 (direct examination).
 - d. The adverse Party may then cross-examine the witness. Except for questions relating to the credibility of the witness, cross-examination shall be limited to (i) allegations contained in the witness statement(s) and facts or evidence described therein; (ii) facts or evidence that the witness is reasonably likely to know and that are relevant to the dispute; and (iii) matters that have arisen during direct examination. In exceptional circumstances, and upon a reasoned request by the Party concerned (if possible in writing before the hearing begins), the Tribunal may permit cross-examination to be extended beyond the scope indicated;
 - e. The Party who has presented the witness may then re-examine the witness with respect to any matters arising out of the cross-examination (re-direct examination).
 - f. The Tribunal will examine the witness after the Parties have finished their respective examinations, with unlimited scope. However, nothing will prevent the Tribunal from asking questions during the examination by one of the Parties. In all cases, the Tribunal shall give the Parties the opportunity to question the witness in relation to the questions asked by the Tribunal.
41. The examination of experts shall be carried out, *mutatis mutandis*, in accordance with the provisions for fact witnesses in the preceding paragraph, with the following clarifications and exceptions:
- a. The expert shall confirm that he or she will only make statements in accordance with his or her sincere belief;
 - b. The experts shall make a brief presentation of their analysis, methodology, and conclusions, which shall not exceed 30 minutes, and which shall replace their direct examination. During their presentations, each expert shall clearly identify the areas of agreement and disagreement with the other Party's expert opinion.

- c. The adverse Party may then cross-examine the expert. Cross-examination of an expert shall cover (i) allegations contained in the expert report(s) and evidence described therein; (ii) evidence that the expert is reasonably likely to know and that is relevant to the dispute; (iii) matters that have arisen during direct examination or the expert's presentation; and (iv) any issue that could put into question the expert's credibility, subject to considerations of relevance and procedural fairness.
 - d. The Tribunal may, after the experts' cross-examinations, decide to question the experts at the same time in an expert conferencing panel.
42. The Tribunal shall at all times have complete control over the examination of witnesses and experts, including the right – on its own motion or at the reasoned request of a Party – to:
- a. Limit or exclude questions or questioning that it considers irrelevant, unnecessarily burdensome or repetitive, or that have been addressed by other evidence;
 - b. Request witnesses to limit answers that are lengthy or not responsive to the questions; and
 - c. Direct that a witness or expert be recalled for further examination at any time.
43. Save for the direct testimony of fact witnesses, which should not exceed 15 minutes, and expert presentations, which should not exceed 30 minutes, the Parties will have full flexibility (within their allocated time) to determine the time they wish to devote to cross and re-direct examinations. For organizational purposes, **Annex 1** indicates an estimate of the time that the examination of a witness/expert will take (including direct, cross and re-direct).
44. The Parties shall make their best efforts to start and finish the examination of a witness or expert on the same day. If the examination is interrupted and must continue following a break or in the following session, the witness/expert shall remain sequestered, with appropriate instructions from the Tribunal, until the examination is completed. Witnesses and experts shall be available to testify on the day before and after their scheduled examination, in case the hearing schedule should shift.
45. If a break takes place in the middle of a witness or expert's examination, the witness or expert shall be sequestered, and shall not be allowed into its Party's breakout room.
46. Witnesses/experts shall not have any notes available to them while they are giving evidence, other than an unannotated copy of their respective witness statement or expert report (with selected exhibits or annexes that should be identified by the witness or expert before his or her examination). Experts who are giving an introductory presentation may have their reports and PowerPoint presentations.
47. Other than the computer through which they are displaying hearing materials, witnesses/experts shall not have any laptop or mobile devices available to them.
48. The Parties shall inform their witnesses/experts of the rules that govern their examinations. They shall admonish them to be succinct and responsive to the questions asked.

E. Documentation and hearing bundle

49. PowerPoint presentations and demonstrative exhibits.
- a. The Parties and their experts may make use of PowerPoint slides or similar presentations in support of oral argument, including other demonstrative exhibits (i.e., charts, tabulations, etc. compiling information which is on record but not presented in such form) during the Hearing, provided that those materials (i) reflect evidence on the record; (ii) identify the source in the record from which the information is derived; and (iii) do not introduce new evidence, directly or indirectly. Each Party shall number its demonstrative exhibits consecutively.
 - b. The Parties shall provide electronic and hard copies¹ of any PowerPoint or similar presentations, as well as demonstrative exhibits, to all other Participants (as defined in para. 53 below), the interpreters and the court reporters, 20 minutes prior to their use during the Hearing, with the exception of presentations to be used during the Parties' opening statements, which shall be delivered only at the start of the Hearing.
 - c. The display of PowerPoint presentations, including demonstrative exhibits, shall be made through one or more projection screen(s) in the hearing room, and shall be made available simultaneously to the Remote Participants through the screen-sharing function.
50. The Parties are encouraged to designate one person on each side who shall be responsible for presentation of evidence, authority, or other demonstrative exhibits during the Hearing (each a "**Document Manager**").
51. Hearing bundle. The Parties shall, by **Friday, 28 March 2025**, provide the Tribunal with a joint bundle (the "**Hearing Bundle**") through Box platform, which shall:
- a. Include all memorials, exhibits, legal authorities, and procedural orders (the latter in their English version only), each of which shall be identified with the applicable document reference as per Annex B of PO1 (if applicable), together with a hyper-linked index; and
 - b. Be made available electronically to the court reporters and the interpreters the day before commencement of the Hearing.
 - c. Unless the Parties agree otherwise, there will be no need for a hard copy of the Hearing Bundle in the hearing room.
52. Documents to be used during witness and expert examinations.
- a. Each Party shall provide its witnesses and experts a clean, unannotated hard copy of their witness statement or expert report (with selected exhibits or annexes that should be identified by the witness or expert before his or her examination), for consultation during their examination. At any time during an examination, the

¹ Prof. Perezcano does not require hard copies of these documents.

Tribunal may ask the witness/expert to display such documents to verify that they bear no annotations.

- b. Any documents used during the examination of a witness or expert (be it documents used by counsel to question the witness/expert, or documents used by the witness/expert during direct examination) must be either part of the Hearing Bundle or qualify as demonstrative exhibits or PowerPoint presentations discussed above.
 - c. The Party examining a witness or expert shall upload an electronic copy of a bundle containing the documents that that Party intends to use during cross-examination of the witness or expert (the “**cross-examination bundle**”) to a designated folder on Box no later than 15 minutes in advance of each testimony. No witness or expert shall review such bundle before testifying. The Parties will provide a hard copy of the cross-examination bundle to the witness or expert immediately before his or her examination.
 - d. Any documents to be used during witness and expert examinations shall be displayed by counsel through a projection screen in the hearing room, and shall be made available simultaneously to the Remote Participants through the screen-sharing function.
53. Documents that do not form part of the record may not be presented at the Hearing, unless otherwise agreed by the Parties or authorized by the Tribunal. Should the Tribunal grant leave to a Party to present documents that do not form part of the record during the Hearing, it should grant the other Party the opportunity to introduce documents in rebuttal.

VI. HEARING LOGISTICS

A. Venue and equipment

54. The ICSID Secretariat has confirmed that all necessary arrangements have been made for the logistics of the Hearing, including the reservation of the hearing room and breakout rooms, audiovisual equipment, wireless internet and meals/coffee breaks. The logistical details will be handled through correspondence directly by the ICSID Secretariat.

B. Hearing participants and etiquette

55. The Hearing shall be heard *in camera* and access to the Hearing shall be restricted to the members of the Tribunal, the Parties’ representatives and counsel, the Tribunal Secretary, the representatives of the Non-Disputing NAFTA Parties, witnesses and experts (the “**Participants**”), as well as court reporters and interpreters and any further ICSID staff or technical support personnel retained by ICSID in connection with the Hearing (the “**Support Staff**”). No person other than the Participants or the Support Staff shall be admitted to the Hearing, unless otherwise decided by the Tribunal upon request by any of the Parties.
56. On or before **28 February 2025**, each Party will provide to the Tribunal a list of the members of its delegation (including counsel, party representatives, witnesses and experts) who will be attending the Hearing. These lists are reproduced at **Annex 2** to

this Order. Each Party shall inform the Tribunal and opposing counsel by **24 March 2025** of any additional members of their delegation who will be attending the Hearing and of any additional member of their delegation who will attend the Hearing remotely.

57. In order to facilitate the accurate interpretation and transcription of the Hearing, Participants are encouraged to speak slowly and with pauses between sentences. The Parties may also circulate any speaking notes or PowerPoint slides only to the interpreters and court reporters prior to the start of each relevant session, on the understanding that court reporters and interpreters will transcribe or interpret only what is actually said.
58. The above provisions on etiquette may be adjusted or supplemented by the Tribunal, in consultation with the Parties, in the course of the Hearing.
59. Canada's representatives and any representatives of the Parties, who will be participating remotely, will be subject to the Protocol for Remote Participation attached as **Annex 3** to this Order.

C. Language and interpretation

60. The Hearing shall be conducted in Spanish and English with simultaneous interpretation into the other procedural language. Word for word transcripts shall be made in both languages.
61. Oral testimony and argument before the Tribunal may be in either English or Spanish.
62. ICSID has arranged for English-Spanish interpretation. Interpretation services will be provided by Ms. Silvia Colla, Mr. Charles Roberts and Mr. Daniel Giglio.
63. The Tribunal may address the Parties, witnesses and experts in English or Spanish.
64. The costs of the interpreter(s) shall be borne by the Parties in equal shares and will be paid from the Parties' deposits, without prejudice to the decision of the Tribunal as to the allocation of costs.

D. Records of Hearings

65. Recording.
 - a. ICSID will record the Hearing in audio. The Spanish and English channels will be recorded separately.
 - b. No other Participants other than ICSID and the court reporters may record the Hearing, unless the Tribunal grants express leave to this effect.
66. Transcripts.
 - a. ICSID has arranged to have English and Spanish verbatim transcripts available in real-time using Live Note or a similar software during the Hearing.
 - b. English transcription services will be provided by Ms. Laurie Carlisle. Spanish transcription services will be provided by DR-Esteno.

- c. Transcripts of proceedings shall be made available on a same day service basis.
- d. The Parties shall endeavor to agree on any corrections to the transcripts within 45 days of the later of the dates of the receipt of the sound recordings and transcripts, whether in the original language or its interpretation. The court reporter shall incorporate the agreed corrections into the revised transcripts. Any disagreement between the Parties shall be resolved by the Tribunal, and any correction adopted by the Tribunal shall be incorporated by the court reporter, under the supervision of ICSID, into the revised transcripts.
- e. In case of conflict between the transcripts in Spanish and in English, the transcription in the original language in which the oral testimony or the presentation of arguments was made will prevail. In the event of any discrepancy between the transcripts in Spanish or English, the Parties will inform the Tribunal together with any other correction to the transcripts that they deem appropriate.

E. Costs

- 67. In accordance with paragraphs 74 and 77 of PO1, the costs of hearing rooms and of the services required for the hearing (including court reporters, interpreters, and others) shall be borne by the Parties in equal shares and paid from the deposits made each Party, without prejudice to the Tribunal's subsequent decision on the costs of the arbitration.

VII. FINAL PROCEDURAL STEPS

A. Post-Hearing Briefs

- 68. Unless the Parties otherwise agree, they shall file post-hearing briefs (“PHBs”).
- 69. At or after the closure of the Hearing, the Tribunal shall, after consulting with the Parties, determine the number, sequence, length and timing of the PHBs.
- 70. In principle and subject to another agreement by the Parties, the time limit to file the Parties' respective PHBs shall commence once the final transcripts have been circulated to the Parties, including any corrections made by the Parties or instructed by the Tribunal.
- 71. PHBs shall be limited to matters of fact and law presented in the submissions and at the Hearing, and may not contain new allegations of fact or arguments of law, unless expressly requested by the Tribunal. PHBs shall not introduce evidence not previously submitted during the arbitration process, unless requested or authorized by the Tribunal. The Tribunal may submit to the Parties a list of questions to be answered in their PHBs.
- 72. The Parties shall include the final and updated version of their requests for relief in their PHBs, and the Tribunal shall decide only on those final requests.
- 73. The rules set out for written submissions at Section II of PO1 above shall apply, *mutatis mutandis*, to post-hearing briefs.

B. Costs submissions

74. After the closure of the Hearing, the Tribunal, in consultation with the Parties, shall determine the content (including detail), number, sequence and timing of costs submissions.
75. The Tribunal shall determine whether the submissions on costs should be accompanied by evidence relating to costs.

On behalf of the Tribunal,

[Signed]

Sabina Sacco
President of the Tribunal
Date: 17 March 2025

ANNEX 1: HEARING SCHEDULE²

DAY 1 [31 March 2025]	
9:00 – 9:15	Housekeeping
9:15 – 10:45	Respondent’s Opening Statement [90 minutes]
10:45 – 11:00	15-minute break
11:00 – 12:30	Claimant’s Opening Statement [90 minutes]
12:30 – 12:45	15-minute break
12:45 – 13:15	United States’ oral submission [30 minutes]
13:15 – 14:15	Lunch
14:15 – 14:30	Respondent’s Rebuttal [15 minutes]
14:30 – 14:45	Claimant’s Rebuttal [15 minutes]
14:45 – 14:55	10-minute break
14:55 – 15:10	Direct Examination of Mr. Kenneth Smith Ramos [15 minutes]
15:10 – 16:40	Cross Examination of Mr. Kenneth Smith Ramos [approx. 90 minutes]
16:40 – 16:50	Re-direct of Mr. Kenneth Smith Ramos [approx. 10 minutes]
16:50 – 17:10	Questions from the Tribunal and Housekeeping [approx. 20 minutes]
17:10 – 17:20	Housekeeping
DAY 2 [1 April 2025]	
9:00 – 9:15	Housekeeping
9:15 – 9:45	Presentation of Prof. Christian Tams [30 minutes]
9:45 – 10:45	Cross Examination of Prof. Christian Tams [approx. 1 hour]
10:45 – 10:55	Re-direct of Prof. Christian Tams [approx. 10 minutes]
10:55 – 11:15	Questions from the Tribunal [approx. 20 minutes]
11:15 – 11:30	15-minute break
11:30 – 12:00	Presentation of Prof. Andrea Bjorklund [30 minutes]
12:00 – 13:00	Cross Examination of Prof. Andrea Bjorklund [approx. 1 hour]
13:00 – 13:10	Re-direct of Prof. Andrea Bjorklund [approx. 10 minutes]
13:10 – 13:30	Questions from the Tribunal [approx. 20 minutes]
13:30 – 14:30	Lunch
14:30 – 15:30	[<i>Possibility of expert conferencing</i>] [max. 1 hour]
15:30 – 15:45	15-minute break

² The Parties are reminded that the total time allocated to each Party shall be 5 hours as provided for in paragraph 29 of PO10, subject to any adjustments that the Tribunal may deem appropriate if due process so requires pursuant to paragraph 27. The Hearing Schedule provides for time estimates for cross-examination and re-direct that are indicative only, and which are subject to paragraphs 27, 29 and 37 of PO10. The Parties are advised to keep track of the total time used and adjust their respective time slots accordingly.

15:45 – 16:05	Respondent's Closing Statement [20 minutes]
16:05 – 16:25	Claimant's Closing Statement [20 minutes]
16:25 – 16:45	15-minute break
16:45 – 17:15	Housekeeping and next procedural steps

ANNEX 2: LIST OF PARTICIPANTS

Tribunal			
	<i>Name</i>	<i>Role</i>	<i>Email address</i>
1.	Sabina Sacco	President	sabina.sacco@sacco-arbitration.com
2.	Pierre Bienvenu	Arbitrator	pbienvenu@imk.ca
3.	Hugo Perezcano Díaz	Arbitrator	hugo.perezcano@iiuris.com
ICSID			
4.	Celeste Estefania Salinas Quero	Acting Secretary of the Tribunal	csalinasquero@worldbank.org
5.	Ana Cecilia Chamorro	Paralegal	achamorro@worldbank.org
6.	Alexandra Rueda	Intern	-
Claimant			
	<i>Name</i>	<i>Role</i>	<i>Email address</i>
1.	Casey Nault	Party Representative	CNault@coeur.com
2.	Rahim Moloo	Counsel	RMoloo@gibsondunn.com
3.	Lindsey D. Schmidt	Counsel	LSchmidt@gibsondunn.com
4.	Stephanie Collins	Counsel	SCollins@gibsondunn.com
5.	Pablo Garrido	Counsel	PGarrido@gibsondunn.com
6.	Nika Madyoon	Counsel	NMadyoon@gibsondunn.com
7.	Brian Gorman	Assistant to Counsel	BGorman@gibsondunn.com
8.	Kenneth Smith Ramos	Witness	kenneth.smith@agon.mx
9.	Andrea K. Bjorklund	Expert	andrea.bjorklund@mcgill.ca
Respondent			
	<i>Name³</i>	<i>Role</i>	<i>Email address</i>
1.	Alan Bonfiglio Ríos	Secretaría de Economía – Counsel	alan.bonfiglio@economia.gob.mx
2.	Geovanni Hernández Salvador	Secretaría de Economía – Counsel	geovanni.hernandez@economia.gob.mx
3.	Alejandro Rebollo Ornelas	Secretaría de Economía – Counsel	alejandro.rebollo@economia.gob.mx
4.	Luis Fernando Muñoz Rodríguez	Secretaría de Economía – Counsel	luis.munoz@economia.gob.mx
5.	Pamela Hernández Mendoza*	Secretaría de Economía – Counsel	pamela.hernandez@economia.gob.mx
6.	Fabián Arturo Trejo Bravo*	Secretaría de Economía – Counsel	fabian.trejo@economia.gob.mx

³ * These participants will join remotely.

7.	Alicia Monserrat Islas Martínez*	Secretaría de Economía – Counsel	alicia.islas@economia.gob.mx
8.	Montserrat Pérez Vázquez*	Secretaría de Economía – Counsel	monserrat.perez@economia.gob.mx
9.	Óscar Manuel Rosado Pulido*	Secretaría de Economía – Counsel	oscar.rosado@economia.gob.mx
10.	Sergio Alonso Patiño Reyes*	Secretaría de Economía – Counsel	sergio.patino@economia.gob.mx
11.	Greg Tereposky	Tereposky & DeRose LLP – Counsel	gtereposky@tradeisds.com
12.	Mr. Daniel Hohnstein	Tereposky & DeRose LLP – Counsel	dhohnstein@tradeisds.com
13.	Alejandro Barragan	Tereposky & DeRose LLP – Counsel	abarragan@tradeisds.com
14.	Juan Pablo Gomez	Tereposky & DeRose LLP – Counsel	jpgomez@tradeisds.com
15.	Stephan E. Becker	Pillsbury Winthrop Shaw Pittman LLP – Counsel	stephan.becker@pillsburylaw.com
16.	Gary Shaw	Pillsbury Winthrop Shaw Pittman LLP – Counsel	gary.shaw@pillsburylaw.com
17.	Christian J. Tams	Expert	Christian.Tams@glasgow.ac.uk
United States of America			
	<i>Name</i>	<i>Role</i>	<i>Email address</i>
1.	Lisa Grosh	Assistant Legal Adviser	GroshLJ@state.gov
2.	John Daley	Deputy Assistant Legal Adviser	DaleyJD@state.gov
3.	David Bigge	Chief of Investment Arbitration	BiggeDM@state.gov
4.	Jessica Simonoff	Attorney Adviser	SimonoffJR@state.gov
Canada⁴			
	<i>Name</i>	<i>Role</i>	<i>Email address</i>
1.	Scott Little		Scott.Little@international.gc.ca
2.	Rodney Neufeld		Rodney.Neufeld@international.gc.ca
3.	Florence Beaudet		Florence.Beaudet@international.gc.ca
4.	Marianna Maza Pinero		Marianna.MazaPinero@international.gc.ca

⁴ All participants from Canada will join remotely.

ANNEX 3: PROTOCOL FOR REMOTE PARTICIPATION

1. As indicated in paragraph 15 of Procedural Order No. 10, the Hearing shall be conducted in person. However, as specified further at paragraph 8 of this Protocol, the Tribunal has allowed certain participants with no active speaking role to attend the Hearing remotely (“**Remote Passive Participants**”).
2. This Protocol provides the applicable rules to the Remote Passive Participants.

I. Videoconferencing Platform

3. The Remote Passive Participants will connect to the Hearing using the Zoom video-conference platform (the “**Hearing Platform**”).
4. ICSID shall serve as administrator of the Hearing Platform and “host” of the videoconference during the Hearing.
5. The log-in details for the videoconference will be circulated by the Secretary of the Tribunal at least one day prior to the start of the Hearing to the email addresses of the Parties, the Tribunal and the Remote Passive Participants. The hearing link and password shall not be shared with anyone. Access to the Hearing Platform will be available via the same link throughout the entire Hearing.
6. Through the Hearing Platform, the Remote Passive Participants will be able to see a split screen showing, on one side, the speaker who is actively intervening and, on the other side, any document displayed by the Parties.

II. Remote Passive Participants

7. The Remote Passive Participants in this Hearing are (i) the representatives of the Government of Canada⁵ listed in Canada’s participants’ list submitted to the Parties and the Tribunal on 27 February 2025; and (ii) the representatives of the United Mexican States identified in the Respondent’s participants’ list submitted to the Tribunal on 28 February 2025.
8. Access to the Hearing Platform shall be restricted to the Remote Passive Participants. No person other than the Remote Passive Participants shall be admitted to the Hearing Platform, unless otherwise decided by the Tribunal upon request by any of the Parties or the Non-Disputing NAFTA Parties.
9. The Remote Passive Participants must include a *Zoom* username that identifies them. Any person who cannot be identified will not be admitted to the Hearing Platform, unless otherwise decided by the Tribunal.
10. All Remote Passive Participants bear an ongoing duty to warn the Secretary of the

⁵ In its letter dated 24 February 2025, the Tribunal informed the Non-Disputing NAFTA Parties that it allowed the representatives of Canada to attend the hearing remotely given that they had indicated that they would not make an oral submission at the Hearing.

Tribunal and the Tribunal of the presence of any other person on the Hearing Platform.

III. Videoconference Etiquette

11. The Remote Passive Participants should at all times mute their audio and turn off their video.
12. If invited by the Tribunal, the Remote Passive Participants may address the Tribunal and the Parties during the hearing.
13. Remote Passive Participants should endeavour to connect 15 minutes before the start of each Hearing day and remain connected throughout each Hearing day, barring technical issues or other exceptional circumstances.
14. The Remote Passive Participants shall neither video- nor audio-record the Hearing.
15. The above provisions on etiquette may be adjusted or supplemented by the Tribunal in consultation with the Parties, in the course of the Hearing.

IV. Technical Difficulties

16. The representatives of Canada and Mexico's counsel who will attend the Hearing remotely shall each designate one of its representatives to act as video-conferencing contact person ("**VC Contact Person**") for purposes of addressing any technical issues that may arise during the Hearing. The VC Contact Person shall address technical issues directly with ICSID at the email addresses emendezbrautigam@worldbank.org and csalinasquero@worldbank.org, without interrupting the Hearing.