

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

LION MEXICO CONSOLIDATED LP
Claimant

v.

UNITED MEXICAN STATES
Respondent

(ICSID Case No. ARB(AF)/15/2)

PROCEDURAL ORDER NO. 7
(on Confidentiality of Documents)

Members of the Tribunal

Juan Fernández-Armesto, President of the Tribunal
David J.A. Cairns, Arbitrator
Laurence Boisson de Chazournes, Arbitrator

Secretary of the Tribunal

Francisco Grob D.

Assistant to the Tribunal

Luis Fernando Rodríguez

Washington D.C., October 11, 2018

Considering:

That pleadings and evidence to be submitted in the course of the above-captioned proceeding may contain confidential information (“Confidential Information”); and that a Procedural Order on Confidentiality issued by the Tribunal, and a confidentiality declaration by the Parties pursuant to that Order, are necessary to protect the Confidential Information, as defined below.

The Tribunal hereby orders as follows:

1. For the purposes of this Procedural Order, “Confidential Information” is defined as financial statements of Lion Mexico Fund, L.P. covering the period 2006 to 2014 or information derived therefrom.
2. All Confidential Information shall be used solely in the context of the present arbitration and shall not be used for any other purpose.
3. Prior to the production of Confidential Information or any information derived therefrom, the Respondent shall execute a declaration in the form of the declaration annexed hereto as Exhibit A on behalf of any person authorized under paragraph 4(b), 4(c) and 4(d).
4. Confidential Information contained therein may be only submitted or described in the arbitration to the following persons:
 - (a) The Tribunal and its staff, including the staff of the International Centre for Settlement of Investment Disputes (“ICSID”) assigned to the present arbitration;
 - (b) Attorneys, counsel, paralegals and other staff counsel for each Party;
 - (c) Representatives of the Parties (including, in the case of Respondent, government officials and employees) who are actively engaged in, or who are responsible for decision-making in connection with, the present arbitration; and
 - (d) Fact witnesses and consulting or testifying experts of the Parties.
5. All Confidential Information produced by the Claimant shall be marked clearly on each page: “CONFIDENTIAL.”
6. All Confidential Information shall be securely stored by the persons authorized under paragraph 4 of the present Order when not actively in use, in such manner as to safeguard their confidentiality and to ensure that they are accessible only for those persons.
7. If the Tribunal makes use of Confidential Information in any decision, including an arbitral award, it shall designate the portions relating to such information as confidential, and place them between brackets; the portions so designated shall not be disclosed by either party or any person authorized under paragraph 4 of the present Order.
8. Within 30 days after the final conclusion of the dispute (including any appeals or settlement), counsel for each Party shall destroy (and shall certify in writing to counsel of the other Party

that it has destroyed) all Information and any copies thereof, as well as any information derived therefrom, in whatever form, and that no person authorized under paragraph 4(b), (c) and (d) of the present Order remains in possession of such document or information. The Tribunal and other persons authorized under paragraph 4(a) of the present Order shall destroy such documents and information within the same period of time.

On behalf of the Arbitral Tribunal,

[*Signed*]

Juan Fernández-Armesto
President of the Arbitral Tribunal

Exhibit A to Procedural Order No. 7

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_____ 2018

I, [name], [title], hereby acknowledge that I am a person authorized to represent the United Mexican States in these proceedings, and declare that:

- (a) I have read Order No. 7 dated October 11, 2018, of the Tribunal in the above captioned arbitration (the “Order”); and
- (b) The Respondent shall abide by all of the terms of the Order including, without limitation, the obligation of the United Mexican States and of the persons encompassed in paragraphs 4(b), 4(c) and 4(d) to: (1) protect the confidentiality of the Confidential Information as defined in paragraph 1 of the Order to, and discuss information derived therefrom with only those persons authorized under paragraph 4 of the Order; (2) utilize such information solely in connection with the above-captioned arbitration; and, (3) comply with the document destruction obligation in paragraph 8 of the Order, when applicable.

[Name]