

VANCOUVER  
OCT 30 2001  
COURT OF APPEAL  
REGISTRY

Court of Appeal File No. CA028568  
Court of Appeal Registry Vancouver  
Supreme Court File No. L002904  
Supreme Court Registry Vancouver

COURT OF APPEAL

IN THE-MATTER OF AN ARBITRATION PURSUANT TO CHAPTER ELEVEN  
OF THE NORTH AMERICAN FREE TRADE AGREEMENT BETWEEN  
METALCLAD CORPORATION AND THE UNITED MEXICAN STATES,  
ICSID ADDITIONAL FACILITY CASE NO. ARB (AF)/97/1

BETWEEN:

THE UNITED MEXICAN STATES,

PETITIONER  
(APPELLANT)

AND:

METALCLAD CORPORATION,

RESPONDENT  
(RESPONDENT)

AND:

ATTORNEY GENERAL OF CANADA and LA PROCUREURE GENERALE  
DU QUEBEC ON BEHALF OF THE PROVINCE OF QUEBEC,

INTERVENORS

NOTICE OF ABANDONMENT OF CROSS APPEAL

In the matter of the cross appeal commenced by Notice of Cross Appeal filed the 13<sup>th</sup> day of June, 2001, from that part of the order of the Honourable Mr. Justice Tysoe of the Supreme Court of British Columbia, pronounced the 2<sup>nd</sup> day of May, 2001, allowing the application of the Petitioner in part and referring back to the Tribunal for reconsideration certain claims of the Respondent arising from articles 1105 and 1110 of the North American Free Trade Agreement;


TAKE NOTICE that Metalclad Corporation, appellant by cross appeal in the above-noted matter, hereby wholly abandons this cross appeal as designated by the signature below.

Date: 30th October, 2001

FMD / J. B. Cowper  
D. Geoffrey Cowper, Q.C.  
(FASKEN MARTINEAU DuMOULIN LLP)  
Solicitor for the Appellant by Cross Appeal

Please be advised that The United Mexican States, respondent by cross appeal, wholly abandons its position in this cross appeal as designated by the signature below.

Date: Oct 29, 2001

  
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Patrick G. Foy, Q.C.  
(BORDEN LADNER GERVAIS LLP)  
Solicitors for the Respondent by Cross Appeal

This NOTICE OF ABANDONMENT OF CROSS APPEAL is filed by D. Geoffrey Cowper, Q.C, of the firm of Fasken Martineau DuMoulin LLP, solicitors for the Appellant by Cross Appeal whose place of business and address for service is 2100-1075 West Georgia Street, Vancouver, British Columbia, V6E 3G2, Tel (604) 631-3185.