

NAFTA Arbitration under the UNCITRAL Arbitration Rules

INTERNATIONAL THUNDERBIRD GAMING CORPORATION

Claimant

versus

THE UNITED MEXICAN STATES

Respondent

PROCEDURAL ORDER NO. 3

(11 December 2003)

CONSIDERING:

- (A) Procedural Orders Nos. 1 and 2, and in particular Articles 12.3 and 12.4 of Order No. 1 and Recitals (H), (I), (J), (K), (L) and Articles 1 and 2 of Order No. 2;
- (B) Respondent's supplementary request for production of documents dated 29 August 2003, submitted pursuant to article 12.4 of Order No. 1 ("Respondent's Supplementary Request");
- (C) Claimant's letter to Respondent of 22 September 2003 in response to Respondent's Supplementary Request, submitted pursuant to article 12.4 of Order No. 1, whereby Claimant produced certain documents and objected to the production of other requested documents;
- (D) Respondent's letter to Claimant of 17 October 2003 in response to Claimant's letter of 22 September 2003;
- (E) Respondent's application to the Tribunal dated 21 November 2003 in connection with its Supplementary Request;
- (F) Claimant's letter of 5 December 2003 submitting its comments on Respondent's application of 21 November 2003, as directed by the Chairman of the Tribunal by letter of 26 November 2003;

- (G) Respondent's letter of 8 December 2003 in response to Claimant's letter of 5 December 2003;
- (H) Respondent's letter of 9 December 2003;
- (I) Claimant's letter of 10 December 2003 in response to Respondent's letter of 8 December 2003;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. Pursuant to Article 12.3 of Procedural Order No. 1, and subject to the limitations set out in paragraph 2 of Order No. 2, the Arbitral Tribunal hereby orders Claimant to produce to Respondent by 15 December 2003 the documents or categories of documents identified in Respondent's Supplementary Request under Heading C, paragraph 4 (p.6) (“[...] *copias de los estudios y/o análisis, así como las estadísticas utilizadas para estimar la tasa de captura*”).
2. The time-limit mentioned in paragraph 7.1(f) of Order No. 1 for Respondent to file its Statement of Defence is maintained. Respondent is, however, afforded the opportunity to comment on the documents to be produced by Claimant pursuant to paragraph 1 above, within fourteen days after receipt thereof (it being understood that the content of such submission shall be strictly limited to comments on the documents produced by Claimant pursuant to this Order).
3. All other Requests in Respondent's Supplemental Request are hereby rejected.

On behalf of the Arbitral Tribunal,



Professor Dr. Albert Jan van den Berg,
Presiding Arbitrator