

PCA Case No. 2016-17

**IN THE MATTER OF AN ARBITRATION UNDER THE DOMINICAN REPUBLIC-
CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT,
SIGNED ON AUGUST 5, 2004 (“CAFTA-DR”)**

– and –

**THE UNCITRAL ARBITRATION RULES (AS ADOPTED IN 2013)
(the “UNCITRAL Rules”)**

– between –

MICHAEL BALLANTINE AND LISA BALLANTINE

(the “Claimants”)

– and –

THE DOMINICAN REPUBLIC

(the “Respondent”, and together with the Claimants, the “Parties”)

PROCEDURAL ORDER NO. 11

Tribunal

Prof. Ricardo Ramírez Hernández (Presiding Arbitrator)
Ms. Marney L. Cheek
Prof. Raúl Emilio Vinuesa

Registry

Permanent Court of Arbitration
Mr. Julian Bordaçahar

June 7, 2018

A. PROCEDURAL HISTORY

1. By letter dated May 30, 2018, the United States requested a two-week extension for the filing of non-disputing Party submissions pursuant to Article 10.20.2 of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) (the “**Extension Request**”). The United States requested the deadline for filing non-disputing Party submissions be changed to **Friday, July 6, 2018**¹.
2. Furthermore, the U.S. argues that since the hearing has been scheduled for September 3 – 8, 2018, it should not cause prejudice to the Parties, as they would still have enough time to respond to the U.S. submission before the hearing.²
3. By letter dated June 4, 2018, the Tribunal invited the Parties to comment on the Extension Request.
4. By e-mail dated June 6, 2018, the Respondent did not object to the Extension Request and confirmed that the Claimants’ Rejoinder had been sent to the United States and the other non-disputing Parties.
5. Until the date of the issuance of this Procedural Order, the Claimants have not submitted any comments with regards to the Extension Request.

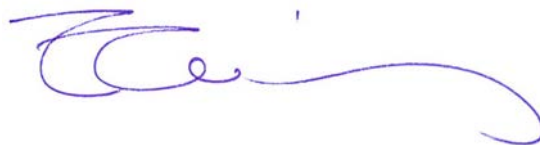
B. THE TRIBUNAL’S DECISION

6. The Tribunal notes that none of the Parties has filed an objection. Considering all circumstances, the Tribunal grants the Extension Request. Consequently, the deadline for any written submissions from “non-disputing Parties” is hereby extended to **Friday July 6, 2018**. For the sake of good order, an amended procedural calendar including the agreed revised dates is enclosed as Annex 1.

Place of Arbitration: Washington, D.C., United States of America

¹ The US advances two reasons: because (i) it has a scheduling conflict, and (ii) it had not yet received a copy of the Claimants’ Rejoinder on Jurisdiction. It further clarified that assuming they were to receive the rejoinder soon “*the requested two-week extension of time would allow the United States adequate time to review the pleading and to take full account of the disputing parties’ interpretive arguments*” (Letter from the U.S. dated May 30, 2018, p. 1).

² Letter from the U.S. dated May 30, 2018, p. 2.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke ending in a small hook.

Ricardo Ramírez Hernández
(Presiding Arbitrator)

On behalf of the Tribunal

Annex 1: Procedural Calendar

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
<i>Initial Phase</i>		
[...]		
<i>Written Pleadings</i>		
[...]		
Written submissions from “non-disputing Parties” and notification of their wish to present oral submissions to the Tribunal, both regarding the interpretation of the CAFTA-DR, pursuant to Article 10.20(2) of the Treaty. Any submission or notification made pursuant to said Article shall be made in conformity with section 10 of the Terms of Appointment.	MONDAY, APRIL 16, 2018 (i.e., one month following the submission of the Claimants’ Rejoinder on Jurisdiction)	FRIDAY, JULY 6, 2018
<i>Oral Pleadings</i>		
Witness Notifications	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Pre-hearing Conference	APPROXIMATELY ONE MONTH BEFORE THE HEARING	APPROXIMATELY ONE MONTH BEFORE THE HEARING
Oral Hearing	AT LEAST TWO MONTHS FOLLOWING THE DEADLINE FOR THE CLAIMANT’S REJOINDER	FROM MONDAY, SEPTEMBER 3 TO FRIDAY, SEPTEMBER 7 (reserving SATURDAY, SEPTEMBER 8, should it be necessary) IN WASHINGTON D.C.