

PROCEDURAL ORDER No. 7

November 10, 2005

Glamis Gold, Ltd., Claimant

v.

The United States of America, Respondent

An Arbitration Under Chapter 11 of the North American Free Trade Agreement (NAFTA), in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules, and administered by the International Centre for Settlement of Investment Disputes (ICSID)

Michael K. Young, President
David D. Caron, Arbitrator
Donald L. Morgan, Arbitrator

I. Procedural Background to this Decision

1. On October 15, 2005, the Tribunal issued its Procedural Order No. 6 (“Order No. 6”) amending the arbitral schedule to allow for additional time for the Parties to file objections to document production and withholding and to enable non-disputing parties adequate opportunity to develop and present their positions. Paragraph 13 of Order No. 6 outlined the new schedule for the Arbitral Hearing and the events preceding it. As part of that schedule, the date for the Hearing was set for December 4-8, 2006, with a possible continuation scheduled for the following week, December 11-15, 2006.
2. On October 21, 2005, Respondent requested by letter a modification to the schedule put forth in Order No. 6. Specifically, Respondent requested an additional three weeks to prepare and file its Rejoinder.
3. By letter of October 24, 2005, Claimant objected to Respondent’s request.

II. The Views of the Parties

4. Respondent argues that, in light of the fact of the unexpectedly large quantity of documentary evidence involved in the proceeding, the current 42 days allotted to Respondent to prepare and file its Rejoinder is insufficient. Respondent requests an additional three weeks, which it states is closer to the 70 days allotted Claimant to prepare and file its Reply. Respondent argues that this adjustment would not unduly extend the hearing schedule.

5. Claimant objects to Respondent's requested extension on the basis that it would compress Claimant's ability to prepare for the hearing. Claimant argues that it only has 41 days to prepare for and file its Reply after the filing of any Article 1128 and non-disputing party submissions, the addressing of which Claimant expects to present it with significant burdens. Additionally, Claimant argues that Respondent's requested extension would place the filing of the final Rejoinder one month prior to the Arbitral Hearing, after the submission of witness lists, and concurrent with the November 2, 2006 pre-hearing conference date, a fact that it maintains would complicate the schedule and perhaps necessitate further delays.

III. Decision

6. Desiring not to delay the date of the December Hearing, but cognizant of the needs of both Parties to address the large body of documentary evidence and to have adequate time to respond to each other and non-disputing parties, the Tribunal amends the schedule of proceedings as follows:

February 16, 2006:	Submission of Claimant's Memorial
June 22, 2006:	Submission of Respondent's Counter-Memorial
July 20, 2006:	Submission of any Art. 1128 Submissions and Non-Disputing Party Submissions
September 7, 2006:	Submission of Claimant's Reply
October 26, 2006:	Submission of Respondent's Rejoinder
November 1, 2006:	Submission of Witness Lists
November 9, 2006:	Pre-Hearing Procedural Hearing
December 4-8, 2006	Arbitral Hearing
December 11-15, 2006:	Possible Continuation of Arbitral Hearing

Michael K. Young

President of the Tribunal on behalf of the Tribunal

David D. Caron, Tribunal Member
Donald L. Morgan, Tribunal Member