

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**ADEL A HAMADI AL TAMIMI V. SULTANATE OF OMAN
(ICSID CASE No. ARB/11/33)**

PROCEDURAL ORDER No. 6

Professor David A. R. Williams QC, President of the Tribunal
Judge Charles N. Brower, Arbitrator
Mr. J. Christopher Thomas QC, Arbitrator

Secretary of the Tribunal
Ms. Frauke Nitschke

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1. By letter dated 28 February 2013 the Respondent sought a six week extension to file its Counter-Memorial, witness statements, expert reports and exhibits together with corresponding adjustments to the current procedural timetable contained in Procedural Order No. 1.
2. The reason for the Application is that Ms Claudia Salomon, who had previously served as Lead Counsel for Oman, resigned from DLA Piper LLP (US) in late January. Owing to that unforeseen development, Oman and DLA Paper have had to restructure the representation of Oman. As a result Mr Stanley McDermott III has now taken over as Lead Counsel for Oman. These developments have caused unexpected and material delay in the preparation of Oman's Counter-Memorial.
3. In August 2012 the Respondent was granted, without objection from Claimant, a five week extension for the filing of its Memorial.
4. The Tribunal considers that there will be no prejudice to the Claimant if the Application is granted and there will be no alteration to the established April 2014 hearing date: see Schedule 1 (**attached**).
5. The Tribunal, after deliberating, grants the Application. Section 13 of Procedural Order No.1 is consequently revised as shown in Schedule 2 (**attached**).

[signed]

On behalf of the Tribunal
Professor David A. R. Williams QC
President of the Tribunal
Date: 18 March 2013

SCHEDULE 1 (table as submitted by the Respondent)

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SCHEDULE 2

13. Schedule for Submission of Pleadings
Arbitration Rules 20(1)(c) and 31
- 13.1. The parties have agreed the following sequence for the written submissions in this arbitration:
- 13.1.1. Claimant shall submit its Memorial on the Merits (“Memorial”), fact witness statements, legal expert reports, and any supporting documentary evidence no later than 16 November 2012.
- 13.1.2. Respondent shall file any Request for Production (“RROP”) no later than 6 December 2012. The RROP shall be clearly set forth in a Redfern Schedule, and any accompanying submission that Respondent may wish to present.
- 13.1.3. Subject to any objections that it may wish to put forward, Claimant shall produce all documents responsive to the RROP (“RROP Response”), no later than 21 December 2012. Any objections shall be clearly set forth in the Redfern Schedule, and any accompanying submission that Claimant may wish to present.
- 13.1.4. Respondent shall file any responses it may have to the objections raised by Claimant to the RROP no later than 8 January 2013. Such responses shall be clearly set forth in the Redfern Schedule, and may be accompanied by whatever additional written submissions Respondent may wish to present.
- 13.1.5. On or before 23 January 2013, the Tribunal shall rule on Claimant’s objections to the RROP. Claimant shall comply with the Tribunal’s ruling, including by producing any documents required to be produced pursuant thereto, within 2 weeks of the date of the Tribunal’s ruling.
- 13.1.6. Respondent shall file its Counter-Memorial, fact witness statements, legal expert reports, and any supporting documentary evidence, including any objections to jurisdiction no later than 5 June 2013. The parties have agreed that the proceedings will not be bifurcated and that any jurisdictional objections to be lodged by Respondent will be joined to the merits.

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- 13.1.7. Claimant shall file its Request for Production (“CROP”) on or before 24 June 2013. The CROP shall be clearly set forth in a Redfern Schedule, and any accompanying submission that Claimant may wish to present.
 - 13.1.8. On or before 17 July 2013, subject to any objections that it may wish to put forward, Respondent shall produce all documents responsive to the CROP (“CROP Response”). Any objections shall be clearly set forth in the Redfern Schedule, and any accompanying submission that Respondent may wish to present.
 - 13.1.9. On or before 5 August 2013, Claimant shall file any responses it may have to the objections raised by Respondent to the CROP. Such responses shall be clearly set forth in the Redfern Schedule, and may be accompanied by whatever additional written submission Claimant may wish to present.
 - 13.1.10. On or before 19 August 2013, the Tribunal shall rule on Respondent’s objections to the CROP. Respondent shall comply with the Tribunal’s ruling, including by producing any documents required to be produced pursuant thereto, within 2 weeks of the date of the Tribunal’s ruling.
 - 13.1.11. Claimant shall file its Reply, together with any fact witness statements, legal expert reports, and any supporting documentary evidence in support of its Reply no later than 18 October 2013.
 - 13.1.12. Respondent shall file its Rejoinder, together with any fact witness statements, legal expert reports, and any supporting documentary evidence in support of its Rejoinder no later than 4 March 2014.
 - 13.1.13. Claimant and/or Respondent may file additional Requests for Production on or before 17 March 2014. The Requests shall be limited in scope to any new issues raised in the Reply and/or Rejoinder. The deadline for production of these documents shall be agreed upon by the parties, with the help of the Tribunal if necessary. From the documents produced, if a party wishes to place on record any new evidence for use at the hearing, it shall do so no later ten (10) days before the hearing.
 - 13.1.14. A schedule for post-hearing written submissions and/or proceedings shall be set forth in a separate order.
- 13.2. The Tribunal may extend any of the time limits as necessary or appropriate. The Tribunal shall extend a time limit only as an exception and provided that the request for an extension is made without undue delay, that is, as soon as

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the reason for the extension occurs. The Tribunal will extend a time limit if the other party agrees to the extension and the procedural timetable is not disrupted.