

THE ARBITRAL TRIBUNAL
IN THE ARBITRATION BETWEEN
VITO G. GALLO V. GOVERNMENT OF CANADA

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A 21
Requests for Protective Order and Time Extension

30 December 2009

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Dear Mesdames, dear Sirs,

Vito G. Gallo v. Government of Canada

The Arbitral Tribunal acknowledges receipt of the following communications:

- CAN 46: whereby Canada requested that the Arbitral Tribunal issue a protective order requiring that any information contained in the Final Cabinet Decision and Draft Cabinet Decision (as defined in Procedural Order no. 4) be kept confidential among the disputing parties, and that any references to such information be redacted from the publicly available versions of the parties' submissions and any decisions or awards;
- an email from Claimant dated 23 December 2009 asking for a time extension from 21 February to 1 March 2010 for filing its Memorial (such email is hereby numbered GALLO 48);
- an email from Respondent dated 23 December 2009 agreeing to the extension requested in GALLO 48, provided that Respondent should be granted an equivalent extension for the filing of its Counter-Memorial until 29 June 2010 (such email is hereby numbered CAN 47).

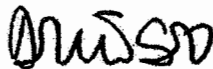
2. The Arbitral Tribunal grants Claimant until 6 January 2010 to comment on Respondent's request for confidentiality. Thereafter the Tribunal will decide. In the meantime any information contained in the Final Cabinet Decision and Draft Cabinet Decision will be kept confidential among the disputing parties, and any references to such information will be redacted from the publicly available versions of the parties' submissions and any decisions or awards.

3. The Arbitral Tribunal accepts the time extensions, since they have been agreed to by both parties. These changes lead to a postponement of the dates for filing the Memorial and Counter-Memorial but not of subsequent milestones. This conclusion is relevant since the Tribunal is reluctant to accept further extensions in the final due dates of the Procedural Calendar. The Tribunal would like to finalize this procedure in the first half of 2011, at the latest.

4. Consequently the Procedural Calendar will be rescheduled as follows:

1 March 2010	Gallo – Memorial with Witness Statement(s) and Expert Report(s).
29 June 2010	Canada – Counter-Memorial with Witness Statement(s) and Expert Report(s).
5 July 2010	Applications for Leave to File a Non-disputing party Submission.
19 July 2010	Claimant and Respondent – Submissions, if any, on Non-disputing party Submissions.
2 October 2010	Gallo – Reply with Reply to Witness Statement(s) & Expert Reply Report(s).
27 December 2010	Canada – Rejoinder with Reply to Witness Statement(s) & Expert Reply Report(s).
26 January 2011	NAFTA Article 1.128 Submissions.
TBD	Replies to Article 1.128 Submissions by Claimant and/or Respondent, if needed.
TBD	Oral Hearing.

On behalf of the Arbitral Tribunal,



Juan Fernández-Armesto
President