

<b>CLAIMANT'S ADMISSIONS DURING DOCUMENT PRODUCTION</b> <b>(See Attached Redfern Schedule)</b>	
<b>Request Number(s)</b>	<b>Admission</b>
Request 13	Claimant represented that it did not have any responsive documents in its custody, possession or control, showing that FVG's customers "refused to contract exclusively with FVG or for any term longer than meeting immediate needs" as a result of the Lesivo Declaration, except for Exhibit C-34, which is insufficient to prove Claimant's allegations in this regard.
Request 14	Claimant represented that it did not have any responsive documents in its custody, possession or control, showing that "local companies refused to enter into or continue agreements, either as suppliers (unless for cash up front) or for future carriage by the railroad" as a result of the Lesivo Declaration, except for Exhibit C-34 and C-35 (f), which are insufficient to prove Claimant's allegations in this regard.
Request 15	Claimant represented that it did not have any responsive documents in its custody, possession or control showing that the <i>Lesivo</i> Declaration "also caused FVG's principal suppliers to significantly reduce or withdraw their credit terms and/or services to FVG and prevented FVG from securing new credit lines with either financial institutions in country or new suppliers of essential goods and services," except for Exhibits C-35 (a)-(f), which are insufficient to prove Claimant's allegations in this regard.
Request 16	Claimant represented that it did not have any responsive documents in its custody, possession or control other than those produced in response to requests 31-33, regarding Claimant's alleged efforts to find both Guatemalan and international investors to finance its restoration projects with respect to the Guatemalan railway. The documents referred to by Claimant are the emails and correspondence with ITI Development Corporation (R-322), which do not prove Claimant's allegations in this regard.
Request 17	Claimant represented that it did not have any responsive documents in its custody, possession or control that were exchanged or created in the context of negotiating Contract 143/158, produced between January 2003 and October 2003, including documents related to (a) Claimant's allegation that the negotiations took place "at the Government's request," and (b) the canon payments under those contract(s).
Request 22	Claimant represented that it did not have any responsive document in its custody, possession or control showing that Mr. Ramón Campollo "has a large investment holding" and a "large stake" in Empresa Eléctrica de Guatemala, S.A. (EEGSA).

Request 26	Claimant represented that it did not have the Machinery lease contract(s) supposedly entered between Alquiler de Tractores, S.A. and FVG in 2006, because they allegedly were oral contracts.
Request 28	Claimant represented that it did not have any responsive documents in its custody, possession or control to fulfill Respondent's request for FVG's response to the letter from Amador Carballido of Banco G&T Continental to Jorge Senn, dated June 21, 2007 (C-35(g)), requesting information regarding the dispute with the Government. To the best of Claimant's knowledge, no written response exists.
Requests 38, 40, 42, 44, 46	The parties entered into a stipulation (R-329) stating that in lieu of the documents requested Respondent accepted the text of the stipulation and a chart titled "Monthly Breakdown of Income From Major Lease and Income Contracts September 2006 - December 2010," all of which establish that FVG continued to receive revenues from the lease and easement contracts that existed prior to the <i>Lesivo</i> Declaration after the Government issued that Declaration.

**The Republic of Guatemala's Requests for the Production of Documents**  
**Railroad Development Corporation v. The Republic of Guatemala**  
**Caso ICSID No. ARB/07/23**

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
1.	RDC's income tax returns for the years 1997-2009.	Necessary to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business, in particular those regarding alleged investments by RDC/ FVG, alleged payments to FVG, and supposed market value of investment and lost profits as stated in paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits; and paragraph 57 of Jorge Senn's first statement.	Claimant objects to this request as overbroad and not relevant or material to the outcome of the case. RDC's income tax returns include the results of many separate businesses. Respondent has already been provided with FVG's audited financial statements and detailed financial statements showing the amounts Claimant invested in FVG during the relevant time period. See Exhibits C-27(a)-(i) and FVG Detailed Financial Statements, RDC003053-RDC003072.	Respondent notes that its request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request. What is more, the requested documents are relevant and necessary not only to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business (in particular those regarding alleged investments by RDC/ FVG, alleged payments to FVG, and supposed market value of investment and lost profits as stated in paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits and paragraph 57 of Jorge Senn's first statement), but also to allow Guatemala and its experts to evaluate how RDC-the Claimant in this	

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				<p>arbitration--treated its investment in FVG from a financial and tax perspective. To the extent Claimant is concerned with producing information related to RDC's investments other than in FVG, Respondent would not object to the redaction of such information provided that nothing related to RDC's investment in FVG is redacted.</p> <p>In light of the above, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.</p>	
2.	RDC's annual reports, including financial statements, for the years 1997-2009.	Necessary to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business, in particular those regarding alleged investments by RDC/ FVG, alleged payments to FVG, and supposed market value of investment and lost profits as stated in	Claimant objects to this request as overbroad and not relevant or material to the outcome of the case. RDC's investment in FVG is not consolidated into RDC's annual financial statements. As a result, the best evidence regarding the issues deemed relevant in Respondent's request is FVG's audited financial statements and detailed	In its cover letter to the production of documents, Claimant asserted that it is still in the process of gathering and verifying the documents that Claimant previously agreed to produce in response to Respondent's document requests 2, 6 and 7. As of the date of this filing, Claimant has not produced the totality of responsive documents or informed	No decision necessary at this time.

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		paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits.	financial statements showing the amounts Claimant invested in FVG during the relevant time period. See Exhibits C-27(a)-(i) and FVG Detailed Financial Statements, RDC003053-RDC003072.	Respondent of its final position with respect to this requests. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.  Finally, Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.	
3.	FVG's income tax returns ( <i>declaraciones juradas de la renta</i> ) filed before the Guatemalan tax authority ( <i>Superintendencia de Administración Tributaria</i> ) for the	Necessary to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business, in particular those regarding alleged investments by RDC/ FVG, alleged payments to FVG, and supposed	Claimant objects to this request as overbroad and not relevant or material to the outcome of the case. Subject to and without waiving the foregoing objections, Claimant will produce the requested documents.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment	No decision necessary at this time.

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	years 1997-2009.	market value of investment and lost profits as stated in paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits.		on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	
4.	FVG's Audited Annual Reports for 2008, 2009 and 2010 (First Quarter or First Semester, 2010).	Necessary to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business, in particular those regarding alleged investments by RDC/ FVG, alleged payments to FVG, and supposed market value of investment and lost profits as stated in paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits.	Claimant assumes that this requests seeks production of FVG's "audited financial statements" instead of "Audited Annual Reports" because FVG does not have "Audited Annual Reports." Claimant will produce FVG's audited financial statements for 2008 and 2009. FVG has no audited financial statements for the First Quarter or First Semester, 2010.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
5.	RDC's 2010 first and second quarter reports, including financial statements for 2010.	Necessary to weigh Claimant's allegations regarding damages and the impact of the <i>Lesivo</i> Declaration on its business, in particular those regarding alleged investments by RDC/ FVG, alleged payments	Claimant objects to this request as overbroad and not relevant or material to the outcome of the case. Claimant further states that it does not issue quarterly reports or quarterly financial statements and therefore	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents.	No decision necessary at this time.

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		to FVG, and supposed market value of investment and lost profits as stated in paragraphs 2, 31, 32, 34-37 and section VI of the Memorial on the Merits.	does not have any documents responsive to this request.	However, Respondent takes note of Claimant's representation that there are no responsive documents for this request in its custody, possession, or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
6.	Documents (including receipts, bills, checks, deposit slips, wire transfers, etc.) that would show that Claimant invested USD15.4 million to rehabilitate the Guatemalan railway system.	Necessary to weigh Claimant's allegations regarding its claims for damages for the value of its alleged lost investment, in particular, as alleged in paragraphs 2 and 184 of the Memorial on the Merits.	Claimant objects to this request as overbroad, unduly burdensome and cumulative, as Respondent has already been provided with FVG's audited financial statements and detailed financial statements showing the amounts Claimant invested in FVG during the relevant time period. See Exhibits C-27(a)-(i) and FVG Detailed Financial Statements, RDC003053-RDC003072. Claimant further objects that the phrase "rehabilitate the	In its cover letter to the production of documents, Claimant asserted that it is still in the process of gathering and verifying the documents that Claimant previously agreed to produce in response to Respondent's document requests 2, 6 and 7.  As of the date of this filing, Claimant has not produced the totality of responsive documents or informed Respondent of its final position with respect to this requests. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on	No decision necessary at this time.

Respondent's Document Requests					
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			<p>Guatemalan railway system" is vague and ambiguous. Subject to and without waiving the foregoing objections, and assuming that the term "rehabilitate" means RDC's investment in FVG or the purpose of the work which FVG did in connection with the Guatemalan railway system, Claimant will produce documents detailing its USD15.4 million investment in FVG.</p>	<p>it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.</p> <p>Finally, Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the documents requested.</p>	
7.	Documents (for example, receipts, bills, checks, deposit slips, wire transfers, etc.) that would show that Claimant invested USD1.034 million in FVG for termination and wind-down costs of the business.	Necessary to weigh Claimant's allegations regarding its claims for damages for the value of its alleged lost investment, in particular as alleged in paragraphs 184 and 188 of the Memorial on the Merits, and paragraph 20 of Henry Posner III's Witness Statement.	Claimant objects to this request as overbroad, unduly burdensome and cumulative, as Respondent has already been provided with FVG's audited financial statement and detailed financial statement for the year 2007 showing the amounts Claimant invested in FVG during the relevant time period. See Exhibit C27(j)	<p>In its cover letter to the production of documents, Claimant asserted that it is still in the process of gathering and verifying the documents that Claimant previously agreed to produce in response to Respondent's document requests 2, 6 and 7.</p> <p>As of the date of this filing, Claimant has not produced the totality of responsive</p>	No decision necessary at this time.



Respondent's Document Requests					
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			and FVG 2007 Detailed Financial Statement, RDC003073-RDC003076. Claimant further objects that the phrase "termination and winddown costs of the business" is vague and ambiguous. Subject to and without waiving the foregoing objections, and assuming that "termination and winddown costs" are those amounts which Claimant invested in FVG after the Lesivo Declaration and in connection with the termination of FVG's operations, Claimant will produce documents detailing its USD1.034 million investment in FVG in 2007 which was used for funding FVG's operations and subsequently terminating and winding down its business operations.	documents or informed Respondent of its final position with respect to this requests. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.  Finally, Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the documents requested.	
8.	Letter from Mr. Frederick Melville of	Cementos Progreso is Claimant's local partner	Claimant objects to this request as not relevant or	Claimant does not challenge the specificity of the request	

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	Cementos Progreso to Mr. Henry Posner dated 2 May 2007 where Cementos Progreso discusses its position on the filing of this arbitration and on the preliminary agreement reached with the Government during negotiations.	and minority shareholder in FVG. This document is relevant to contradict Claimant's assertion that Guatemala did not negotiate with it in good faith, as alleged in paragraphs 62, 72-73, 76-78 of the Memorial and in paragraphs 40-42 of Henry Posner III's first statement, 34, 40-42 of Jorge Senn's first statement, and 24-25 of William Duggan's first statement.	material to the outcome of the case. The requested document has nothing to do with whether Guatemala ever "negotiated" with FVG in "good faith."	or that the document is within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production; only the document's relevance. The letter sought, however, is highly relevant to the facts of this case. Specifically, in its Memorial (for example in paragraphs 62, 72-3, 76-8) and through its witnesses (for example First Posner paragraphs 40-2, First Senn paragraphs 34, 40-2, and First Duggan paragraphs 24-5) Claimant has alleged that Guatemala did not negotiate with it in good faith in order to resolve and cure the contractual disputes between the parties before resorting to the <i>lesivo</i> declaration. Guatemala has responded that it did negotiate in good faith and attempted to avoid the need to proceed with the <i>lesivo</i> declaration, but that RDC did not negotiate in good faith and left the government no alternative but	

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				<p>to proceed with the declaration. The requested letter would show that Claimant's local partner and fellow shareholder in FVG, who participated in the negotiations with the government, had a diverging opinion on the negotiations with Guatemala believing that Guatemala had offered a reasonable deal that FVG and RDC should have accepted, and further disagreeing with RDC's decision to proceed with this arbitration. Thus, the document is highly relevant to refute Claimant's allegations about Guatemala's actions in the face of the illegalities of the equipment contract and leading to and following the <i>lesivo</i> declaration. Respondent respectfully requests that the Tribunal order Claimant to produce the document, noting that the Tribunal can freely consider and determine its weight.</p>	

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9.	Study conducted by Roberto Morales at the request of FVG sometime in 2003 exploring the feasibility of rehabilitating, developing, and operating the railroad in the Pacific/South corridor of Guatemala.	Necessary to weigh Claimant's allegations, in particular those regarding the supposed impact of the <i>Lesivo</i> Declaration as stated in paragraph 90 of the Memorial on the Merits and 48 of Jorge Senn's first statement. Additionally, the study and Mr. Morales' conclusions as explained in his witness statement show that the sugar industry and Mr. Ramón Campollo in particular would not have been interested in using (much less controlling) the railroad, and thus are relevant to contradict Claimant's allegations to the contrary as set forth in paragraphs 3, 44-54, 65-67, 74, 78, 147, 162-165 of the Memorial and paragraphs 6-13 of William Duggan's first statement; 20-31 of Jorge Senn's first statement and 27-34 of	Claimant objects to this request as not relevant or material to the outcome of the case, The requested document has nothing to do with the impact of the <i>Lesivo</i> Declaration on Claimant. Claimant further objects that this request is vague and ambiguous, as Roberto Morales did not conduct any study for FVG in 2003 (or at any other time) "exploring the feasibility of rehabilitating, developing, and operating the railroad in the Pacific/South corridor of Guatemala." Subject to and without waiving the foregoing objections, Claimant will produce the report Mr. Morales did provide to FVG in 2003.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.

Respondent's Document Requests					
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		Henry Posner III's first statement			
10.	Study conducted by Mesoamérica/Bain & Company sometime in 2006 or early 2007 exploring the feasibility of rehabilitating, developing, and operating the railroad in Guatemala.	Cementos Progreso is Claimant's local partner and minority shareholder in FVG. This document is relevant to weigh Claimant's allegations regarding the viability of its alleged plans for investing in and operating the railroad in Guatemala, in particular along the Pacific/South corridor as alleged in paragraph 90 of the Memorial on the Merits and 48 of Jorge Senn's first statement.	Claimant objects to this request as not relevant or material to the outcome of the case. Subject to and without waiving the foregoing objection, Claimant states that it does not have (and has never had) this document in its possession, custody or control.	Respondent takes note of Claimant's representation that there are no responsive documents for this request in its custody, possession, or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control. Additionally, Respondent rejects Claimant's objection regarding the relevance of the document requested.	No decision necessary at this time.
11.	All correspondence and drafts dated or created between July 2006 up to August 28, 2006 concerning FVG/RDC's decision to publish and publicize the press release presented as R-190 relating to the publication of the	Necessary to weigh Claimant's allegations, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 99 of the Memorial on the Merits, 45-57 of Jorge Senn's first statement, and paragraphs 46-54 of	Claimant objects to this request as overbroad. Claimant further objects to this request as not relevant or material to the outcome of the case, as such documents, to the extent they exist, do not have anything to do with the impact of the <i>Lesivo</i> Declaration on Claimant.	During the parties' discussions, Claimant represented that it would search for and consider producing any responsive documents that were exchanged with persons or entities outside FVG/RDC. It reiterated its objections, however, with respect to responsive documents	

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	<i>Lesivo</i> Declaration.	Henry Posner III's first statement.	There is no evidence that the referenced press release had any impact and, therefore, the request is an improper fishing expedition.	<p>exchanged internally within FVG/RDC.</p> <p>Respondent takes note of Claimant's representation with respect to external documents and reserves the right to raise this request with the Tribunal if/when Claimant produces those documents.</p> <p>With respect to responsive documents exchanged internally within RDC/FVG, Respondent notes that Claimant does not contend that the documents requested are not within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Rather, it argues that such documents are not relevant.</p> <p>Respondent insists that its request identifies a specific category of documents sought with sufficient precision so as to enable Claimant to locate the requested documents, and</p>	

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				<p>that they are relevant, as it relates with sufficient certainty to factual allegations in submissions filed by Claimant and is germane to issues before the Tribunal.</p> <p>Specifically, the requested documents go directly to Claimant's allegations about the impact of the publication of the <i>lesivo</i> resolution on its investment in FVG and to Respondent's contentions that Claimant's decision to publish and publicize the press release on the <i>lesivo declaration</i> was a major cause of whatever damage Claimant might have suffered after the <i>lesivo</i> declaration. For the same reasons, Claimant's and RDC's internal correspondence, communications, and memoranda regarding the impact of such a publication is highly relevant to this proceeding.</p> <p>Internal correspondence from Claimant showing that it was planning a media campaign</p>	

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				<p>regarding the <i>lesivo</i> declaration also is highly relevant to a number of other issues in contention, including when Claimant was aware of the impending <i>lesivo</i> declaration and its planning to utilize the <i>lesivo</i> declaration as its "exit" strategy.</p> <p>In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.</p>	
12.	Documents (for example notes, memos, emails, letters, etc.) regarding Claimant's allegations concerning the alleged impact of the publication of the declaration of lesividad on the morale and performance of FVG's workforce.	Necessary to test the allegations made by Claimant, in particular, allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 97 of the Memorial on the Merits and 56 of Jorge Senn's first statement.	Claimant objects to this request as overbroad. Subject to and without waiving the foregoing objection, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search. Claimant also directs Respondent to Exhibit C-27(i) at RDC001341 and Exhibit C-27(j) at	<p>Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.</p> <p>Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive</p>	No decision necessary at this time.



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			RDC001405-RDC001406.	documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
13.	Documents showing that FVG's customers "refused to contract exclusively with FVG or for any term longer than meeting immediate needs" as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding damages it allegedly suffered as a result of the <i>Lesivo</i> Declaration, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 88 of the Memorial on the Merits.	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search. Claimant also directs Respondent to Exhibit C-34.	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody,	No decision necessary at this time.

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				possession, or control.	
14.	Documents showing that "local companies refused to enter into or continue agreements, either as suppliers (unless for cash up front) or for future carriage by the railroad" as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding damages it allegedly suffered as a result of the <i>Lesivo</i> Declaration, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 88 of the Memorial on the Merits.	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search. Claimant also directs Respondent to Exhibits C-34 and C-35(f).	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	No decision necessary at this time.
15.	Documents showing that the <i>Lesivo</i> Declaration "also caused FVG's principal suppliers to	Necessary to test Claimant's allegations regarding damages it allegedly suffered as a result of the <i>Lesivo</i>	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it	No decision necessary at this time.

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	significantly reduce or withdraw their credit terms and/or services to FVG and prevented FVG from securing new credit lines with either financial institutions in country or new suppliers of essential goods and services."	Declaration, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 89 of the Memorial on the Merits and paragraph 46 of Jorge Senn's first statement.	previously produced and to the extent they can be located after a reasonable search. Claimant also directs Respondent to Exhibits C-35(a)-(f).	relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
16.	All documents regarding Claimant's alleged efforts to find both Guatemalan and international investors to finance its restoration projects with respect to the Guatemalan railway.	Necessary to test Claimant's allegations regarding damages it allegedly suffered as a result of the <i>Lesivo</i> Declaration, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 90 of the	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist. Subject to and without waiving the foregoing objections, Claimant will produce documents it can identify	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.	No decision necessary at this time.

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No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
		Memorial on the Merits	as coming within the reasonable scope of this request that are responsive to Request Nos. 31-33 and 53.	Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control other than those produced in response to requests 31-33. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
17.	All documents, exchanged or created in the context of negotiating Contract 143/158, produced between January 2003 and October 2003, including documents related to (a) Claimant's allegation that the negotiations took place "at the Government's request", and (b) the canon payments under those contract(s).	Necessary to prove allegations made by Claimant that the government of Guatemala insisted that it enter into Contract 143/158 and in the change in the canon fee as expressed in paragraphs 25(iii) and 84 of the Memorial on the Merits.	Claimant objects to this request as overbroad, unduly burdensome and not relevant or material to the outcome of the case. Claimant further objects that the phrase "in the context of negotiating Contract 143/158" is vague and ambiguous. Subject to and without waiving the foregoing objections, Claimant will produce documents it can identify as coming within the reasonable scope of	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
			this request that have not been previously produced and to the extent they can be located after a reasonable search.	documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
18.	Documents (including cancelled checks, receipts, invoices, etc.) to support the canon payments allegedly made by RDC/FVG to FEGUA between 2000-2006.	Relevant to test Claimant's allegations with respect to alleged investment in the form of canon payments to FEGUA as claimed in the chart following paragraph 37 of the Memorial on the Merits.	Claimant objects to this request as overbroad, unduly burdensome and not relevant or material to the outcome of this case. Claimant further objects that Respondent should already be in possession of all relevant documents showing canon payments made by FVG to FEGUA between 2000-2006.	During the parties' discussions, Claimant represented that it would reassess if and how to respond to this request. As of the date of this filing, Claimant has not produced the totality of responsive documents or informed Respondent of its final position with respect to this requests. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.  Subject to and notwithstanding the above, Respondent insists that its document request identifies a	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents. Respondent further notes that it is not in custody, possession, or control of the requested documents; what is sought are the documents to support the canon payment figures cited in the chart following paragraph 37 of Claimant's Memorial, which are inconsistent with the figures reflected in Respondent's Memorial (see, e.g., Witness Statement of José Miguel Carrillo). Therefore, Respondent insists that Claimant produce the</p>	

Respondent's Document Requests					
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				requested documents.	
19.	All documents (for example, notes, memos, emails, letters, etc.) dated April 2006 through October 2006 regarding RDC/FVG's intention to negotiate a settlement of disputes with Guatemala to avoid the declaration of <i>lesividad</i> and its publication.	Relevant to counter Claimant's allegation that it was engaging in a good faith effort to negotiate a settlement of disputes with Guatemala to avoid the declaration of <i>lesividad</i> and its publication and that the Government of Guatemala was not engaging in good faith negotiations.	Claimant objects to this request as overbroad, unduly burdensome, not relevant or material to the outcome of the case, and not describing a narrow category of documents known to exist. Claimant further objects to the extent this request seeks production of attorney-client privileged communications and protected work product.	<p>Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents and limits the documents to a narrow time frame (six months).</p> <p>What is more, the request seeks production of documents that are highly relevant to the case. Specifically, the documents sought are relevant to counter Claimant's allegation that it was engaging in good faith efforts to negotiate a settlement of disputes with Guatemala to avoid the declaration of <i>lesividad</i> and its publication, and that the Government of Guatemala was not engaging in good faith negotiations.</p> <p>The documents also are relevant to help demonstrate when Claimant was aware of</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>the impending <i>lesivo</i> declaration and its planning to utilize the <i>lesivo</i> declaration as its "exit" strategy.</p> <p>Insofar as Claimant also objects to this requests on privilege grounds, Respondent notes that Claimant does not submit that all of the requested documents would be privileged, nor does it identify which of the documents sought would be covered by privilege. In any event, Claimant can redact whatever privileged information it does not wish to produce from documents that are responsive and also contain non-privileged information.</p> <p>In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.</p>	
20.	All documents (for example, notes, memos, emails, letters, etc.)	Necessary to test the allegations made by Claimant, in particular,	Claimant objects to this request as overbroad, not relevant or material to the	Respondent insists that its document request identifies a specific category of	



Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	regarding RDC/FVG's intention or efforts to procure standard gauge railway equipment to be operated along the Guatemalan railway, in particular the Pacific/South Corridor.	allegations stated in paragraphs 69 and 229 of the Memorial on the Merits. Also relevant to issue of whether Claimant was a viable going concern at the time that the Government of Guatemala published the <i>Lesivo</i> Declaration.	outcome of the case, unduly burdensome, and not describing a narrow and specific category of documents that are reasonably believed to exist.	documents sought with sufficient precision that would enable Claimant to locate the requested documents and seeks documents that are relevant to test Claimant's allegations made by Claimant, in particular, those in paragraphs 69 and 229 of the Memorial on the Merits. Additionally, the documents requested are relevant to whether Claimant was a viable going concern at the time that the Government of Guatemala published the <i>Lesivo</i> Declaration, as development of the southern railroad corridor was, as Claimant and its witnesses have admitted, the only way to make FVG's railway operations economically viable.  In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
21.	Any and all documents (for example, notes,	Necessary to test the allegations made by	Claimant objects to this request as overbroad.	Respondent has received documents from Claimant	No decision necessary at this

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	memos, emails, letters, etc.) exchanged between RDC/FVG, including Mr. Jorge Senn, and Mr. Héctor Pinto regarding alleged negotiations on behalf of Mr. Ramón Campollo with respect to Claimant's investment in the Guatemalan railroad.	Claimant, in particular, allegations as stated in paragraph 163, 45, note 69 of the Memorial on the Merits.	Subject to and without waiving the foregoing objection, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of the documents produced by Claimant that Respondent has identified as potentially responsive to this request mention Mr. Ramón Campollo in any way.	time.
22.	Documents showing that Mr. Ramón Campollo "has a large investment holding" and a "large stake" in Empresa Electrica de Guatemala, S.A. (EEGSA).	Necessary to test Claimant's allegations in paragraphs 42 and 96 of its Memorial on the Merits.	Claimant objects to this request as overbroad. Subject to and without waiving the foregoing objections, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
			and to the extent they can be located after a reasonable search. Claimant also directs Respondent to Exhibit C-5.	request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
23.	Documents showing that Desarrollo's G was or is "[Ramón] Campollo's company".	Necessary to test Claimant's allegations in paragraph 49(i) of its Memorial on the Merits.	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				the documents produced by Claimant that Respondent has identified as potentially responsive to this request mention Mr. Ramón Campollo in any way nor do they reference any ownership interest of Mr. Campollo in EEGSA.	
24.	Email from Jorge Senn to Oliver Griffith of the U.S. Embassy in Guatemala dated May 23, 2006.	Necessary to test Claimant's allegations, in particular those contained in paragraphs 96 of the Memorial on the Merits, paragraph 12 of Henry Posner second statement and paragraphs 34 and 130 of RDC's Counter-Memorial on Jurisdiction. This document is mentioned in Jorge Senn's June 7, 2006 email to Oliver Griffith, under the subject "FACTS SHEET - Electric Company Suit Against Ferrovías" (C-57 at RDC002734).	Claimant objects to this request as not relevant or material to the outcome of the case.	Respondent waived its objections to this request in the cover letter it included with its production. Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
25.	Any and all documents (for example, notes,	Necessary to test Claimant's allegations,	Claimant objects to this request as overbroad, not	Respondent waived its objections to this request in	No decision necessary at this

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	memos, emails, letters, etc.) exchanged between RDC/FVG's representatives and the U.S. Embassy in Guatemala between 2005 and 2006, regarding (a) the dispute between EEGSA and FVG and (b) the declaration of <i>lesividad</i> of any of FVG's contracts.	in particular those in paragraphs 96 of the Memorial on the Merits, 12 of Henry Posner's second statement and 34 and 130 of RDC's Counter-Memorial on Jurisdiction.	relevant or material to the outcome of the case, and not describing a narrow and specific category of documents that are reasonably believed to exist. Subject to and without waiving the foregoing objections, Claimant will produce documents exchanged between Claimant's representatives and the U.S. Embassy regarding the declaration of <i>lesividad</i> of any of FVG's contracts.	the cover letter it included with its production. Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	time.
26.	Machinery lease contract(s) entered between Alquiler de Tractores, S.A. and FVG in 2006.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-89, 113 of the Memorial on the Merits and 48 of Henry Posner's first statement. This document is mentioned in Marco Antonio Recinos's witness statement	Claimant has no documents responsive to this request, as FVG's contracts with Alquiler de Tractores were oral contracts.	Respondent takes note of Claimant's representation that there are no responsive documents for this request in its custody, possession, or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
		submitted with Claimant's Memorial on the Merits.			
27.	Letter from FVG [Jorge Senn] to Amador Carballido of Banco G&T Continental, dated June 12, 2007, requesting a stand by letter of credit for US\$187,000.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-89, 113 of the Memorial on the Merits and 48 of Henry Posner's first statement. This document is mentioned in the letter from Amador Carballido of Banco G&T Continental to Jorge Senn, dated June 21, 2007 (C-35(g)).	Claimant will produce the requested document.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
28.	FVG's response to the letter from Amador Carballido of Banco G&T Continental to Jorge Senn, dated June 21, 2007 (C-35(g)), requesting information regarding the dispute with the Government.	Necessary to test Claimant's allegations, in particular those regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-89, 113 of the Memorial on the Merits and 48 of Henry Posner's first statement.	To the best of Claimant's knowledge, no written response exists.	Respondent takes note of Claimant's representation that there are no responsive documents for this request in its custody, possession, or control. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody,	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				possession, or control.	
29.	Lease contract of a parcel of land adjacent to FVG's railway terminal in Guatemala, entered between FVG and Reparaciones Intermodales, S.A.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-49 of Henry Posner's first statement. This contract is cited in Maximo Antonio Jimenez's (Reparaciones Intermodales, S.A.) witness statement.	Claimant will produce documents responsive to this request.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
30.	Contract(s) for truck transport services, entered between FVG and Reparaciones Intermodales, S.A.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-89, 113 of the Memorial on the Merits and 48 of Henry Posner's first statement. This(ese) contract(s) is/are cited in Maximo Antonio Jimenez's (Reparaciones Intermodales, S.A.)	Claimant will produce documents responsive to this request.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
		witness statement.		has finalized its analysis of these documents.	
31.	FVG's answers/correspondence sent to Birger Munck of ITI Development Corporation, in response to ITI Development Corporation's August 22, [2006] questions regarding the Ferrovías/Canal Seco Project.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner's first statement. FVG's answers document is cited in the email from Birger Munck of ITI Development Corporation to Jorge Senn and Bill Duggan, dated September 11, 2006.	Claimant will produce documents responsive to this request.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
32.	ITI Development Corporation's August 22, [2006] questions to FVG regarding the Ferrovías/Canal Seco Project.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner first statement. FVG's answers document is	Claimant will produce documents responsive to this request.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the	No decision necessary at this time.



Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
		cited in the email from Birger Munck of ITI Development Corporation to Jorge Senn and Bill Duggan, dated September 11, 2006.		documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	
33.	Any and all documents (for example, notes, memos, emails, letters, etc.) exchanged between RDC/FVG and ITI Development Corporation regarding the Ferrovías/Canal Seco Project or any other project related to the Guatemalan railway system.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner first statement.	Claimant objects to this request as overbroad and not describing a narrow and specific category of documents that are reasonably believed to exist. Subject to and without waiving the foregoing objection, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents.	No decision necessary at this time.
34.	Any document or correspondence where Mr. Frederick Melville of Cementos Progreso states that President Berger was in the process of	Relevant to test Claimant's allegations regarding Mr. Melville's alleged statements to FVG/RDC personnel, particularly as alleged in	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	declaring FVG's concession " <i>lesivo</i> " or "injurious to the interests of the State" and that this action seemed to be "the doing of Mr. Campollo" and a step toward revoking the concession.	paragraph 67 of the Memorial on the Merits, 22 of William Duggan's first statement, and 41 of Henry Posner III's first statement.	to the extent they can be located after a reasonable search.	<p>request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of the documents produced by Claimant that Respondent has identified as potentially responsive to this request are correspondence or documents from Mr. Melville as requested in the original document request.</p> <p>Additionally, one of the documents produced by Claimant that Respondent has identified as potentially responsive to this request (attached hereto with Bates numbers RDC 33317-33318) contains information that has been redacted on grounds of attorney/client privilege. The claim of privilege appears to derive from the fact that the</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>person who sent the email that contains the redacted information--Juan Pablo Carrasco--is one of Claimant's attorneys in this arbitration. Nonetheless, the subject email was addressed and sent to individuals outside of RDC with whom Mr. Carrasco did not and does not have an attorney-client relationship and who are not a party to this proceeding, including Frederick Melville of Cementos Progreso, another individual whose email address (rapel@cempro.com) also denotes that he/she is from Cementos Progreso, and an individual by the name of Selina Mejicanos who to date has not been identified as an officer of RDC. In light of the above, Respondent submits that Claimant and Mr. Carrasco waived whatever privilege may have attached to the language redacted from the subject email when people foreign to the attorney-client</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				relationship were copied on and made privy to the communications between Mr. Carrasco and RDC personnel. In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the email attached hereto with Bates numbers RDC 33317-33318 in original, unredacted form.	
35.	Any document or correspondence where Mr. Mario Montano of Cementos Progreso states that "there was a push on within the Government by Ramon Campollo's group of henchmen" to cancel FVG's usufruct and award it to Campollo.	Relevant to test Claimant's allegations regarding Mr. Montano's alleged statements to FVG/RDC personnel, particularly as alleged in paragraph 60 of the Memorial on the Merits and 21 of William Duggan's first statement.	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of the documents produced by Claimant that Respondent has	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>identified as potentially responsive to this request are correspondence or documents from Mr. Montano as requested in the original document request.</p> <p>Additionally, one of the documents produced by Claimant that Respondent has identified as potentially responsive to this request (attached hereto with Bates numbers RDC 33317-33318) contains information that has been redacted on grounds of attorney/client privilege. The claim of privilege appears to derive from the fact that the person who sent the email that contains the redacted information--Juan Pablo Carrasco--is one of Claimant's attorneys in this arbitration. Nonetheless, the subject email was addressed and sent to individuals outside of RDC with whom Mr. Carrasco did not and does not have an attorney-client relationship and who are not a party to this proceeding,</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>including Frederick Melville of Cementos Progreso, another individual whose email address (rapel@cempro.com) also denotes that he/she is from Cementos Progreso, and an individual by the name of Selina Mejicanos who to date has not been identified as an officer of RDC. In light of the above, Respondent submits that Claimant and Mr. Carrasco waived whatever privilege may have attached to the language redacted from the subject email when people foreign to the attorney-client relationship were copied on and made privy to the communications between Mr. Carrasco and RDC personnel. In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the email attached hereto with Bates numbers RDC 33317-33318 in original, unredacted form.</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
36.	Any document or correspondence where Mr. Mario Montano of Cementos Progreso "echoed" Mr. Melville's alleged report that President Berger was in the process of declaring FVG's concession "lesivo" or "injurious to the interests of the State" and that this action seemed to be "the doing of Mr. Campollo" and a step toward revoking the concession.	Relevant to test Claimant's allegations regarding Mr. Melville's alleged statements to FVG/RDC personnel, particularly as alleged in paragraph 67 of the Memorial on the Merits, 22 of William Duggan's first statement, and 41 of Henry Posner III's first statement.	Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	<p>Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of the documents produced by Claimant that Respondent has identified as potentially responsive to this request are correspondence or documents from Mr. Montano as requested in the original document request.</p> <p>Additionally, one of the documents produced by Claimant that Respondent has identified as potentially responsive to this request (attached hereto with Bates</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>numbers RDC 33317-33318) contains information that has been redacted on grounds of attorney/client privilege. The claim of privilege appears to derive from the fact that the person who sent the email that contains the redacted information--Juan Pablo Carrasco--is one of Claimant's attorneys in this arbitration. Nonetheless, the subject email was addressed and sent to individuals outside of RDC with whom Mr. Carrasco did not and does not have an attorney-client relationship and who are not a party to this proceeding, including Frederick Melville of Cementos Progreso, another individual whose email address (rapel@cempro.com) also denotes that he/she is from Cementos Progreso, and an individual by the name of Selina Mejicanos who to date has not been identified as an officer of RDC. In light of the above, Respondent submits that Claimant and</p>	



Respondent's Document Requests					
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				Mr. Carrasco waived whatever privilege may have attached to the language redacted from the subject email when people foreign to the attorney-client relationship were copied on and made privy to the communications between Mr. Carrasco and RDC personnel. In light of the foregoing, Respondent respectfully requests that the Tribunal order Claimant to produce the email attached hereto with Bates numbers RDC 33317-33318 in original, unredacted form.	
37.	Any and all documentation that could establish that Mr. Freddie Pérez appeared before Notary Public Mr. Guillermo Felipe Iturriaga Reyes on 19 May 2009 at the address "quince Avenida dieciocho guión ventiocho, Zona trece" to sign the witness statement filed by	Relevant to test Claimant's allegations regarding Mr. Perez's alleged notarized witness statement which Mr. Perez has denied signing.	Claimant objects to this request as not relevant or material to the outcome of the case. Subject to and without waiving the foregoing objection, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be	Respondent has received documents from Claimant that purport to be responsive to this request. However, in light of Claimant's failure to organize its production by request number or otherwise, Respondent is still analyzing the documents produced and reserves its right to comment on the responsiveness of the documents produced and/or seek production of additional	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	Claimant as document VII with its Memorial on the Merits, including but not limited to the original notarized and signed statement supposedly by Mr. Freddie Perez before Notary Public Mr. Guillermo Felipe Iturriaga Reyes.		located after a reasonable search.	responsive documents once it has finalized its analysis of these documents. It is worthy of note, however, that none of the documents produced by Claimant that Respondent has identified as potentially responsive to this request are documents that establish that Mr. Perez in fact appeared and signed his supposed declaration before Notary Public Guillermo Felipe Iturriaga Reyes on 19 May 2009 at the address cited in the statement.	
38.	Any and all documents (including but not limited to receipts, cancelled checks, invoices, etc.) that show payments from Planos y Puntos/Gesur to RDC/FVG under easement contracts Nos. 173, 14, 29, 89 and 604 (C-28(a)) from 25 August 2006 until the present.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113, and 200(a) of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant objects to this request as overbroad and unduly burdensome.	During the parties' discussions, Claimant represented that it would consider satisfying this request through a mutually agreed-upon stipulation regarding payments under the cited contract. Respondent reserves its right to insist upon this request if the parties fail to reach the mentioned stipulation or other agreeable satisfaction for the request.  With respect to Claimant's objections, it does not	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				challenge the relevance of the documents requested, nor that they are within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents.	
39.	Any and all documents showing that Planos y Puntos/Gesur cancelled or otherwise modified its 50-year lease agreement entered into in 1998 with	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 200(a) of the	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	FVG as a result of the <i>Lesivo</i> Declaration. Memorial par. 200(a).	Memorial on the Merits.		request, were relevant to test Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration.	
40.	Any and all documents (including but not limited to receipts, cancelled checks, invoices, etc.) that show payments from Zeta Gas de Centroamerica, S.A. to RDC/FVG under easement contract No. 44 (C-28(b)) from 25 August 2006 until the present.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113, and 200(c) of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant objects to this request as overbroad and unduly burdensome.	<p>During the parties' discussions, Claimant represented that it would consider satisfying this request through a mutually agreed-upon stipulation regarding payments under the cited contract. Respondent reserves its right to insist upon this request if the parties fail to reach the mentioned stipulation or other agreeable satisfaction for the request.</p> <p>With respect to Claimant's objections, it does not challenge the relevance of the documents requested, nor that they are within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Respondent insists that its document request identifies a specific category of documents sought</p>	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents.	
41.	Documents showing that Zeta Gas de Centroamerica, S.A. cancelled or otherwise modified its 20-year lease agreement entered into in 2001 with FVG as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 200(c) of the Memorial on the Merits.	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original request, were relevant to test Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration.	No decision necessary at this time.
42.	Any and all documents (including but not limited to receipts, cancelled checks, invoices, etc.) that show payments from Texaco Guatemala to	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90,	Claimant objects to this request as overbroad and unduly burdensome.	During the parties' discussions, Claimant represented that it would consider satisfying this request through a mutually agreed-upon stipulation	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	RDC/FVG under easement contract No. 16 (C-28(c)) from 25 August 2006 until the present.	113, and 200(b) of the Memorial on the Merits and 48-50 of Henry Posner's first statement.		<p>regarding payments under the cited contract. Respondent reserves its right to insist upon this request if the parties fail to reach the mentioned stipulation or other agreeable satisfaction for the request.</p> <p>With respect to Claimant's objections, it does not challenge the relevance of the documents requested, nor that they are within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore,</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				Respondent insists that Claimant produce the requested documents.	
43.	Documents showing that Texaco Guatemala cancelled or otherwise modified its 48-year lease agreement entered into in 1998 with FVG as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 200(b) of the Memorial on the Merits.	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original request, were relevant to test Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration.	No decision necessary at this time.
44.	Any and all documents (including but not limited to receipts, cancelled checks, invoices, etc.) that show payments from Genor to RDC/FVG under easement contract No. 97 (C-28(d)) from 25 August 2006 until the present.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113, and 200(d) of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant objects to this request as overbroad and unduly burdensome.	During the parties' discussions, Claimant represented that it would consider satisfying this request through a mutually agreed-upon stipulation regarding payments under the cited contract. Respondent reserves its right to insist upon this request if the parties fail to reach the mentioned stipulation or other agreeable satisfaction for the request.  With respect to Claimant's objections, it does not challenge the relevance of the	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				documents requested, nor that they are within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents.	
45.	Documents showing that Genor cancelled or otherwise modified its 20-year lease agreement entered into in 1998 with FVG as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 200(d) of the Memorial on the Merits.	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original request, were relevant to test	No decision necessary at this time.



Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration.	
46.	Any and all documents (including but not limited to receipts, cancelled checks, invoices, etc.) that show payments from Chiquita/Cobigua to RDC/FVG under easement contract No. 120 (C-28(e)) from 25 August 2006 until the present.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113, and 201 of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant objects to this request as overbroad and unduly burdensome.	<p>During the parties' discussions, Claimant represented that it would consider satisfying this request through a mutually agreed-upon stipulation regarding payments under the cited contract. Respondent reserves its right to insist upon this request if the parties fail to reach the mentioned stipulation or other agreeable satisfaction for the request.</p> <p>With respect to Claimant's objections, it does not challenge the relevance of the documents requestes, nor that they are within its custody, possession, or control. Additionally, Claimant does not raise any legal or other privilege that would bar production. Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that</p>	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents.	
47.	Documents showing that Chiquita cancelled or otherwise modified its 48-year lease agreement entered into in 2000 with FVG as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 201 of the Memorial on the Merits.	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original request, were relevant to test Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration. Respondent reminds Claimant of its ongoing obligation to produce responsive documents if and when they come into its possession, custody, or control.	No decision necessary at this time.
48.	All long term leases and	Necessary to test	No additional leases or	Respondent takes note of	No decision necessary at this

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	easement contracts related to the usufruct right of way entered into by FVG other than the contracts submitted as exhibits C-28(a-e)	Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	easement contracts exist other than the contracts submitted as Exhibits C-28(a)-(e).	Claimant's representation that o additional leases or easement contracts exist other than the contracts submitted as Exhibits C-28(a)-(e).	time.
49.	Any and all documents related to payments from parties to lease and easement agreements related to the usufruct right of way other than the contracts submitted as exhibits C-28(a-e) to RDC/FVG between 25 August 2006 and the present.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant objects to this request as overbroad. Subject to and without waiving the foregoing objections, Claimant states that no such documents exist.	Respondent rejects Claimant's objection and takes note of Claimant's representation that the requested documents do not exist.	No decision necessary at this time.
50.	Documents showing that parties to lease and easement agreements related to the usufruct right of way other than the contracts submitted as exhibits C-28(a-e) cancelled or otherwise modified those agreements as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraphs 4, 87-90, 113 of the Memorial on the Merits and 48-50 of Henry Posner's first statement.	Claimant has no such documents in its possession.	Respondent takes note of Claimant's representation that it does not have the requested documents in its possession, which as stated in Respondent's original request, were relevant to test Claimant's allegations regarding the supposed impact of the <i>Lesivo</i> Declaration. Respondent	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				reminds Claimant of its ongoing obligation to produce responsive documents if and when they come into its possession, custody, or control.	
51.	Documents showing that "as of the date of Lesivo, FVG was receiving approximately \$25,000 per year for short term rental of shacks, billboards and commercial booths along the right of way."	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 202 of the Memorial on the Merits.	Claimant has already produced the requested documents. See RDC003206-RDC003248.	Respondent takes note of the documents cited by Claimant as responsive to Respondent's request without accepting or conceding that the documents cited are in fact responsive. Respondent also reminds Claimant of its ongoing obligation to produce responsive documents if and when they come into its possession, custody, or control.	No decision necessary at this time.
52.	Documents showing that FVG stopped receiving monies from "short term rental of shacks, billboards and commercial booths along the right of way" as a result of the <i>Lesivo</i> Declaration.	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i> Declaration as stated in paragraph 202 of the Memorial on the Merits.	Claimant objects to this request as overbroad, unduly burdensome, not material or relevant to the outcome of the case and not describing a narrow and specific category of documents that are reasonably believed to exist.	During the parties' discussions, Claimant represented that it would consider satisfying this request. As of the date of this filing, Claimant has not produced the totality of responsive documents or informed Respondent of its final position with respect to this requests. Thus, Respondent maintains its	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.</p> <p>With respect to Claimant's objections, Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to locate the requested documents, that they relate with sufficient certainty to factual allegations in submissions filed by Claimant, and are germane to issues before the Tribunal, as explained in Respondent's original request. Therefore, Respondent insists that Claimant produce the requested documents.</p>	
53.	Any and all documents (including but not limited to agreements, letters of intent, memorandums of	Necessary to test Claimant's allegations regarding the alleged impact of the <i>Lesivo</i>	Claimant objects on grounds that Respondent's request is overbroad and not describing a narrow	Respondent rejects Claimant's objection. Respondent notes that its document request is	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	understanding, agreements or draft agreements, notes, memos, emails, letters etc.) that would show that Expogranel and/or its affiliated entities would invest US\$100 million to rehabilitate the railway service in the south coastal region.	Declaration as stated in paragraphs 4, 87-90 (FN 127), 113 of the Memorial on the Merits, 48-50 of Henry Posner's first statement and in the alleged Freddie Perez statement.	and specific category of documents that are reasonably believed to exist. Subject to and without waiving the foregoing objections, Claimant will produce documents it can identify as coming within the reasonable scope of this request that have not been previously produced and to the extent they can be located after a reasonable search.	sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control other than those produced in response to requests 31-33. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
54.	Any and all documents (including but not limited to agreements, letters of intent, memorandums of understanding, notes, memos, emails, letters etc.) that would show that FVG/RDC tried getting local or international	Necessary to test Claimant's allegations, in particular those in paragraphs 53, 234-235 of the Memorial on the Merits.	Claimant objects on grounds that Respondent's request is overbroad, unduly burdensome, not relevant or material to the outcome of the case and not describing a narrow and specific category of documents that are	Respondent rejects Claimant's objection. Respondent notes that its document request is sufficiently specific as it relates to a document that is known to or should be in the possession of Claimant and is relevant as explained in	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	financing for rehabilitating the Pacific/South railway corridor (Phase 2).		reasonably believed to exist. Claimant further objects that the phrase "tried getting local or international financing" is vague and ambiguous. Subject to and without waiving the foregoing objections, Claimant will produce documents it can identify as coming within the reasonable scope of this request that are responsive to Request Nos. 31-33 and 53.	Respondent's original request.  Nonetheless, during the parties' discussions, Claimant's counsel represented that Claimant did not have any responsive documents in its custody, possession or control other than those produced in response to requests 31-33. Respondent reminds Claimant of its continuing obligation to produce additional responsive documents if and when they come into its custody, possession, or control.	
55.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the parcels of land in Gerona for the alleged value as described in paragraph 7.2.g of Mr. Robert MacSwain's Report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.g of Mr. Robert MacSwain's expert report, and 208.g of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified parcels of land in Gerona for the value described in paragraph 7.2.g of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.g of Mr. MacSwain's report.	No decision necessary at this time.
56.	Any document or	Relevant to establish	Claimant is not aware of	Respondent takes note of	No decision necessary at this

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 226,041.90 square feet of land in Chiquimula for the alleged value as described in paragraph 7.2.h of Mr. Robert MacSwain's Report.	Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.h of Mr. Robert MacSwain's expert report, and 208.h of the Memorial on the Merits.	any documents that specifically reference FVG leasing the specified land in Chiquimula for the value described in paragraph 7.2.h of Mr. MacSwain's Report.	Claimant's representation that there are no documents to support the value described in paragraph 7.2.h of Mr. MacSwain's report.	time.
57.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 227,499 square feet of land in Impala for the alleged value as described in paragraph 7.2.i of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.i of Mr. Robert MacSwain's expert report, and 208.i of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Impala for the value described in paragraph 7.2.i of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.i of Mr. MacSwain's report.	No decision necessary at this time.
58.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.j of Mr. Robert MacSwain's	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Anguiatú for the value described in	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.j of Mr. MacSwain's report.	No decision necessary at this time.



Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	the 329,999 square feet of land in Anguiatú for the alleged value as described in paragraph 7.2.j of Mr. Robert MacSwain's expert report.	expert report, and 208.j of the Memorial on the Merits.	paragraph 7.2.j of Mr. MacSwain's Report.		
59.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 372,872 square feet of land in Zona 12 for the alleged value as described in paragraph 7.2.k of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.k of Mr. Robert MacSwain's expert report, and 208.k of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Zona 12 for the value described in paragraph 7.2.k of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.k of Mr. MacSwain's report.	No decision necessary at this time.
60.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 267,499 square feet of land in Amatitlan for the alleged value as described in paragraph 7.2.l of Mr. Robert	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.l of Mr. Robert MacSwain's expert report, and 208.l of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Amatitlan for the value described in paragraph 7.2.l of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.l of Mr. MacSwain's report.	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	MacSwain's expert report.				
61.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 399,999 square feet of land in Palin for the alleged value as described in paragraph 7.2.m of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.m of Mr. Robert MacSwain's expert report, and 208.m of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Palin for the value described in paragraph 7.2.m of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.m of Mr. MacSwain's report.	No decision necessary at this time.
62.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 647,499 square feet of land in Escuintla for the alleged value as described in paragraph 7.2.n of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.n of Mr. Robert MacSwain's expert report, and 208.n of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Escuintla for the value described in paragraph 7.2.n of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.n of Mr. MacSwain's report.	No decision necessary at this time.
63.	Any document or correspondence that could establish that	Relevant to establish Claimant's allegations regarding alleged lost	Claimant is not aware of any documents that specifically reference	Respondent takes note of Claimant's representation that there are no documents to	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	absent the Declaration of Lesivo, FVG would have been successful in leasing the 527,921 square feet of land in Mazatenango for the alleged value as described in paragraph 7.2.o of Mr. Robert MacSwain's expert report.	future profits as alleged in paragraphs 7.2.o of Mr. Robert MacSwain's expert report, and 208.o of the Memorial on the Merits.	FVG leasing the specified land in Mazatenango for the value described in paragraph 7.2.o of Mr. MacSwain's Report.	support the value described in paragraph 7.2.o of Mr. MacSwain's report.	
64.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 136,752 square feet of land in Retalhuleu for the alleged value as described in paragraph 7.2.p of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.p of Mr. Robert MacSwain's expert report, and 208.p of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Retalhuleu for the value described in paragraph 7.2.p of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.p of Mr. MacSwain's report.	No decision necessary at this time.
65.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 189,837 square feet of land in Coatepeque for	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.q of Mr. Robert MacSwain's expert report, and 208.q of the Memorial on the	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Coatepeque for the value described in paragraph 7.2.q of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.q of Mr. MacSwain's report.	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	the alleged value as described in paragraph 7.2.q of Mr. Robert MacSwain's expert report.	Merits.			
66.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 629,999 square feet of land in Tecúm Umán Station for the alleged value as described in paragraph 7.2.r of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.r of Mr. Robert MacSwain's expert report, and 208.r of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in Tecúm Umán Station for the value described in paragraph 7.2.r of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.r of Mr. MacSwain's report.	No decision necessary at this time.
67.	Any document or correspondence that could establish that absent the Declaration of Lesivo, FVG would have been successful in leasing the 375,592 square feet of land in San Jose for the alleged value as described in paragraph 7.2.s of Mr. Robert MacSwain's expert report.	Relevant to establish Claimant's allegations regarding alleged lost future profits as alleged in paragraphs 7.2.s of Mr. Robert MacSwain's expert report, and 208.s of the Memorial on the Merits.	Claimant is not aware of any documents that specifically reference FVG leasing the specified land in San Jose for the value described in paragraph 7.2.s of Mr. MacSwain's Report.	Respondent takes note of Claimant's representation that there are no documents to support the value described in paragraph 7.2.s of Mr. MacSwain's report.	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
68.	All documents that support Claimant's allegation that Guatemala violated its alleged reasonable expectations by "basing the Lesivo Resolution on grounds that are directly contrary to the facts and prior actions, representations and agreements of the Government."	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 149.	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
69.	All documents that support Claimant's allegation that Guatemala	Relevant to test Claimant's allegations concerning Guatemala's	Claimant objects to this request as overbroad, unduly burdensome and	Respondent insists that its document request identifies a specific category of	

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	violated its alleged reasonable expectations by "basing the Lesivo Resolution on grounds that were entirely the fault of the Government and easily within the Government's control to address and correct (if even necessary) through less extreme measures."	alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 149.	not describing a narrow and specific category of documents that are reasonably believed to exist.	documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
70.	All documents that support Claimant's allegation that Guatemala violated its alleged reasonable expectations by "issuing the Lesivo	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to	

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	Resolution just prior to the expiration of the three-year limitations period after FVG refused the Government's demands that it agree, for no consideration (other than the Government abandoning the Lesivo Resolution), to modify the economic terms of the Usufruct Contracts to the Government's benefit and surrender substantial rights under the Contracts."	Memorial on the Merits ¶ 149.	reasonably believed to exist.	trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
71.	All documents that support Claimant's allegation that Guatemala violated its alleged reasonable expectations by "declaring Deeds 143/158 detrimental or injurious to the interests of the State when no	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 149.	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and	

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	demonstrable injury to the State existed."			supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
72.	All documents that support Claimant's allegation that Guatemala violated its alleged reasonable expectations by "failing to provide FVG with any due process to challenge or contest the Lesivo Resolution before an independent and neutral decision maker prior to or	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 149.	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and	



Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
	even shortly after its issuance.”			is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
73.	All documents that support Claimant's allegation that Guatemala violated its alleged reasonable expectations by “failing to act in good faith toward RDC and its investment by implementing a measure with intent to discriminate and knowledge of the unlawfulness of such implementation.”	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 149.	Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without	

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No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.	
74.	<p>All documents that support Claimant's allegation that Guatemala violated its alleged following "reasonable expectations":</p> <p>(1) "RDC's expectation that FVG would have the exclusive right to use the rolling stock during the entire 50-year term of the Usufruct;"</p> <p>(2) "RDC's expectation and understanding that Deed 143 was awarded, executed and approved</p>	<p>Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA, including in its Memorial on the Merits ¶ 153.</p>	<p>Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.</p>	<p>Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test</p>	

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	<p>in accordance with Guatemalan law;"</p> <p>(3) "RDC's expectation and understanding that the economic terms of Deeds 143/158 were acceptable to the Government;" [and]</p> <p>(4) "RDC's expectation and understanding that Deeds 143/158 adequately protected the Government's purported "historical and cultural patrimony" interests in the rolling stock . . . ."</p>			<p>and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.</p>	
75.	<p>All documents that support Claimant's allegations that the following actions took place after and as a result of the <i>Lesivo</i> Declaration:</p> <p>(1) Police and local authorities felt no need to protect rights that were the subject of a lesivo declaration;</p>	<p>Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA by allegedly violating its duty to provide full protection and security, including in its Memorial on the Merits ¶¶ 156-57.</p>	<p>Claimant objects to this request as overbroad, unduly burdensome and not describing a narrow and specific category of documents that are reasonably believed to exist.</p>	<p>Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Importantly, the request is directly tied to and supported by specific language from Claimant's Memorial on the Merits and is thus specific enough to</p>	

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	<p>(2) Law enforcement authorities intervened in proceedings initiated to remove squatters from the right-of-way in order to argue that the Lesivo Declaration meant that Claimant no longer had rights under Contract 402;</p> <p>(3) FVG experienced an increase in public interference, vandalism, and theft within the right-of-way;</p> <p>(4) Guatemalan authorities consistently ignored Claimant's written reports regarding theft, vandalism, and public interference along the right-of-way;</p> <p>(5) Rails and other track materials were stolen; and</p> <p>(6) Local authorities collaborated with the thieves and vandals that</p>			<p>enable Claimant to locate the requested documents without undue burden. Finally, the documents sought are relevant and necessary to test and support Claimant's allegations regarding Respondent's supposed noncompliance with CAFTA Article 10.5. For the foregoing reasons, Respondent respectfully requests that the Tribunal order Claimant to produce the requested documents.</p>	

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	interfered with the right-of-way.				
76.	All documents created before and after the publication of the <i>Lesivo</i> Declaration, including correspondence and emails, sent by Jorge Senn, and any other employees or agents of FVG, to third parties, including but not limited to, Expogranel offering to sell rail and other railway track materials that FVG received in usufruct from the Government of Guatemala, whether such offers of sales were made directly through FVG or through third party intermediaries such as RedEx, S.A.	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA by allegedly violating its duty to provide full protection and security, including in its Memorial on the Merits ¶ 156-57 and to Guatemala's allegation that FVG, through its employees, was itself engaging in the sale of rails.	Claimant objects to this request as overbroad and not describing a narrow and specific category of documents that are reasonably believed to exist. Claimant further objects that this request is not relevant or material to the outcome of the case.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Additionally, Respondent reiterates that the documents requested are relevant as they relate with sufficient certainty to factual allegations in submissions filed by Claimant and is germane to issues before the Tribunal. the documents requested are relevant to Claimant's allegations that its alleged investments in the Guatemalan railroad and its inability to properly rehabilitate and operate the railway were due at least in part to Respondent's alleged inability or unwillingness to protect the rails and other railway assets from looting. The requested documents go directly to the weight and	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>validity of those allegations, as they would support Respondent's contention--based on good faith and well-founded information--that Claimant was responsible at least in part for the dilapidation and predation of the rails, as it was engaged in the sale of those materials.</p> <p>Subject to and notwithstanding the above, during the parties' discussions, Claimant represented that it would consider whether or how to satisfy this request. As of the date of this filing, Claimant has not produced the totality of responsive documents or informed Respondent of its final position with respect to this request. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.</p>	

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
77.	All documents between Jorge Senn and/or FVG and RedEx, S.A. concerning the sale of rail and other railway track materials that FVG received in usufruct from the Government of Guatemala.	Relevant to test Claimant's allegations concerning Guatemala's alleged breach of Article 10.5 of CAFTA by allegedly violating its duty to provide full protection and security, including in its Memorial on the Merits ¶ 156-57 and to Guatemala's allegation that FVG, through its employees, was itself engaging in the sale of rails.	Claimant objects to this request as overbroad and not describing a narrow and specific category of documents that are reasonably believed to exist. Claimant further objects that this request is not relevant or material to the outcome of the case.	Respondent insists that its document request identifies a specific category of documents sought with sufficient precision that would enable Claimant to trace the requested documents. Additionally, Respondent reiterates that the documents requested are relevant as they relate with sufficient certainty to factual allegations in submissions filed by Claimant and is germane to issues before the Tribunal. Specifically, the documents requested are relevant to Claimant's allegations that its alleged investments in the Guatemalan railroad and its inability to properly rehabilitate and operate the railway were due at least in part to Respondent's alleged inability or unwillingness to protect the rails and other railway assets from looting. The requested documents go directly to the weight and validity of those allegations, as they would support	No decision necessary at this time.

Respondent's Document Requests					
No.	Respondent's Document Request	Respondent's Statement of Relevance & Materiality	Claimant's Objections/Observations	Respondent's Reply	Arbitral Tribunal's Decision
				<p>Respondent's contention--based on good faith and well-founded information--that Claimant was responsible at least in part for the dilapidation and predation of the rails, as it was engaged in the sale of those materials.</p> <p>Subject to and notwithstanding the above, during the parties' discussions, Claimant represented that it would consider whether or how to satisfy this request. As of the date of this filing, Claimant has not produced the totality of responsive documents or informed Respondent of its final position with respect to this request. Thus, Respondent maintains its request and reserves its right to solicit a decision from the Tribunal on it if Claimant does not produce the requested documents or otherwise satisfy the cited requests.</p>	