

**IN THE MATTER OF AN ARBITRATION
BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH
THE FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE
UNITED STATES OF AMERICA, DATED 30 JUNE 2007**

- and -

**THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW, 2013**

PCA CASE NO. 2018-51

-between-

**ELLIOTT ASSOCIATES, L.P. (U.S.A.)
(the “Claimant”)**

-and-

**REPUBLIC OF KOREA
(the “Respondent,” and together with the Claimant, the “Parties”)**

PROCEDURAL ORDER NO. 5

The Arbitral Tribunal

Dr. Veijo Heiskanen (Presiding Arbitrator)

Mr. Oscar M. Garibaldi

Mr. J. Christopher Thomas QC

Registry

Permanent Court of Arbitration

26 August 2019

I. PROCEEDINGS

1. On 14 May 2019, the Tribunal issued Procedural Order No. 2, determining the procedural timetable for the present arbitration. Procedural Order No. 2 contemplated four alternative tracks for the proceedings, depending on whether the Respondent chose to raise any objections to jurisdiction or admissibility, the basis of such objections, and whether such objections would be dealt with in a preliminary phase of the proceedings.
2. On 22 August 2019, the Respondent, with the agreement of the Claimant, requested the Tribunal's approval of an extension of time for the submission of its Statement of Defence, from 30 August 2019 to 27 September 2019, as well as a number of related amendments to the procedural timetable.
3. By the same letter, the Respondent confirmed that, without prejudice to any jurisdictional or other objections it might raise in its Statement of Defence, it would not seek bifurcation of the present proceedings.

II. THE TRIBUNAL'S DECISION

4. In view of the above, the Tribunal decides as follows:
 - (a) The Tribunal takes note of, and approves, the revised procedural timetable as agreed by the Parties;
 - (b) The Tribunal further takes note of the Respondent's confirmation that it will not seek bifurcation of the proceedings, while reserving its right to raise jurisdictional and other objections; and
 - (c) The proceedings shall be conducted in accordance with the revised timetable reproduced in the Annex to the present Procedural Order.

Place of Arbitration: London, United Kingdom



Dr. Veijo Heiskanen
(Presiding Arbitrator)

On behalf of the Tribunal

Annex

<i>Phase 1: First-Round Written Submissions</i>		
Amended Statement of Claim	Claimant	4 April 2019
Statement of Defence (and any preliminary objections)	Respondent	27 September 2019
<i>Phase 2: Document Production and Non-disputing Party Submission</i>		
Document production requests	Parties	1 November 2019
Objections to production	Parties	22 November 2019
Responses to objections (submitted to Tribunal)	Parties	13 December 2019
Voluntary production	Parties	6 January 2020
Notice by non-disputing Party that it intends to file a submission in accordance with Article 11.20(4) of the Treaty	United States	6 January 2020
Tribunal decision on objections	Tribunal	10 January 2019
Involuntary production and completion of voluntary production	Parties	7 February 2020
Non-disputing party submission in accordance with Article 11.20(4) of the Treaty	United States	7 February 2020
<i>Phase 3: Second-Round Written Submissions</i>		
Statement of Reply (and Defence to Preliminary Objections, if any)	Claimant	7 June 2020
Statement of Rejoinder (and Reply to Preliminary Objections, if any)	Respondent	7 September 2020
(Claimant's Rejoinder on Preliminary Objections, if any)	(Claimant)	(29 October 2020)
<i>Phase 4: Hearing</i>		
Notification of witnesses and experts to be cross-examined	Parties	23 November 2020
Pre-Hearing Conference	All	7 December 2020
Hearing	All	The weeks of 25 January and 1 February 2021