

Julian D M Lew QC
 20 Essex Street, London, WC2R 3AL
 +44 20 7842 6712/6760
jlew@20essexst.com

SVEA HOVRÄTT
020108

INKOM: 2022-07-01
MÅLNR: T 5378-21
AKTBIL: 132

12 December 2016

Simon Moore
 Arik Aslanyan
 Duncan Quinan
 Toby Redgrave
 Mikhail Basisty
 Andrew Sanderson
 Field fisher
 Riverbank House
 2 Swan Lane
 London EC4R 3TT
Simon.moore@fieldfisher.com
Arik.aslanyan@fieldfisher.com
Duncan.Quinan@fieldfisher.com
Toby.redgrave@ffw.com
Mikhail.basisty@fieldfisher.com
Andrew.Sanderson@fieldfisher.com

Ministry of Justice of Ukraine
 13 Horodetsкого Street
 Kyiy 01001
 Ukraine
legal@minjust.gov.ua
uadef@minjust.minjst.gov.ua

Sebastian Seelmann
 Charles Claypoole
 Latham & Watkins
 Warburgstrasse 50
 Germany/
 99 Bishopsgate
 London EC2M 3XF
 United Kingdom
Sebastian.seelmann@lw.com
Charles.claypoole@lw.com

Joe Smouha Q.C.
 Damien Walker
 Essex Court Chambers
 24 Lincoln's Inn Fields
 London WC2A 3EG
JSmouha@essexcourt.net
DWalker@essexcourt.net
 Lucas Bastin
 Quadrant Chambers
 Quadrant House
 10 Fleet Street
 London EC4Y 1AU
Lucas.Bastin@quadrantchambers.com

Dear Counsel

SCC Arbitration V (2015/092)
Littop Enterprises Limited et al - v - Republic of Ukraine

The Tribunal has considered Respondent's application for an extension of time for the filing of its Statement of Defence, including a possible jurisdictional objection and request for bifurcation. In this context the Tribunal has read and considered the parties' respective positions set out in the Latham & Watkins letters dated 23 November and 6 December, and the Fieldfisher letters dated 1 and 8 December 2016.

The Tribunal is mindful of the need for adequate time for Respondent to prepare and file its Statement of Defence and to decide whether to file a jurisdictional objection and request for

bifurcation. The Tribunal is also conscious of the importance of proceeding with this arbitration with reasonable expedition. Further, the Tribunal has noted that Respondent has now appointed new Ukrainian counsel which is already working on the file.

Accordingly, after deliberation, the Tribunal has decided to grant Respondent a six-week extension of time for filing its Statement of Defence, including a jurisdictional objection and request for bifurcation if sought. This will take us to 20 February 2017. Claimant will have 3 weeks to respond (by 13 March 2017) on the issue of jurisdiction and bifurcation application. The Tribunal will rule within 21 days, i.e. by 3 April 2017.

I attach the amended procedural timetable annexed to Procedural Order No 1.

The Tribunal wishes to maintain the October date for a hearing on the jurisdictional objection – if there is an application for bifurcation and the Tribunal accedes to it. In this case the hearing will be held in the week commencing 24 October 2017. The Tribunal has therefore slightly tightened the internal dates in the procedural timetable for document production applications, filings and notifications.

If Respondent does not apply for bifurcation or the application is refused, the hearing on the substantive issues will take place early in 2018. The Tribunal has reserved the 10 days/2 weeks commencing 12 and 19 February 2018 for this hearing. Again, the internal dates of the procedural timetable have been amended.

After the Tribunal's decision on bifurcation, if sought, one of these two procedural timetables will be cancelled. In the meantime the parties and counsel should reserve both hearing dates.

If either party needs to adjust the internal filing and notice dates, in the first instance, these should be discussed and agreed between counsel within the context of the fixed hearing dates. If agreement cannot be reached between counsel, then of course the parties can raise the issue with the Tribunal.

Yours sincerely



Julian D M Lew QC
For the Arbitral Tribunal

Encl.

Cc	Yves Fortier QC	Yves.fortier@yfortier.ca
	Rodrigo Oreamuno	roreamuno@fayca.com
	Natalia Petrik – SCC	Natalia.petrik@chamber.se
	Suvi Lappalainen – SCC	Suvi.Lappalainen@chamber.se