

# International Centre for Settlement of Investment Disputes

1818 H Street, N.W., Washington, D.C. 20433, U.S.A.  
Telephone (202) 458-1534 Fax (202) 522-2615/2027  
Website: www.worldbank.org/icsid

## By e-mail

December 14, 2009

Grand River Enterprises Six Nations, Ltd.,  
Jerry Montour, Kenneth Hill and  
Arthur Montour  
c/o Mr. Todd Weiler  
London, Ontario, Canada  
and  
Mr. Leonard Violi  
Law Offices of Leonard Violi, LLC  
New York, NY, U.S.A.  
and  
Mrs. Chantell MacInnes Montour  
Inch Hammond Professional Corporation  
Hamilton, Ontario, Canada  
and  
Mr. Robert Luddy  
Windels Marx Lane & Mittendorf, LLP  
New York, NY, U.S.A.

United States of America  
c/o Mr. Jeffrey D. Kovar  
*Assistant Legal Adviser*  
Ms. Lisa J. Grosh  
*Deputy Assistant Legal Adviser*  
Mr. Mark E. Feldman  
*Chief, NAFTA Arbitration*  
Ms. Alicia L. Cate  
Ms. Danielle M. Morris  
Mr. Jeremy K. Sharpe and  
Ms. Jennifer Thornton  
*Attorney - Advisers*  
Office of International Claims and  
Investment Disputes  
United States Department of State  
Washington, D.C., U.S.A.

## **Re: Grand River Enterprises *et al* v. United States of America – NAFTA/UNCITRAL Arbitration Rules Proceeding**

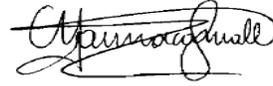
Dear Mesdames and Sirs,

I write to you as instructed by the Tribunal.

- The Tribunal has carefully considered Mr. Luddy's letter of December 4, 2009, and Mr. Kovar's letter of December 7, 2009.
- The Tribunal reaffirms the scheduled hearing dates as set in its letter of August 25, 2009;
- The Tribunal is mindful of the difficult situation facing Mr. Montour. However, it also recognizes that as a Claimant, he has provided evidence regarding various matters that appear unrelated to those at issue in the pending criminal case.
- The Tribunal expects that Mr. Montour will be present for cross-examination regarding his earlier written testimony. If any questions directed to him at that time raise matters that in counsel's opinion may be prejudicial to his position in the pending criminal case, counsel may object, indicating the reason for the objection. The Tribunal will then make an appropriate ruling, always bearing in mind the need to avoid any prejudice to his position in the criminal case.

- The Tribunal will address Mr. Luddy's request for costs, together with all other issues related to costs, in its final award.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Katia Yannaca-Small', written in a cursive style.

Katia Yannaca-Small  
Secretary of the Tribunal

cc: Members of the Tribunal