

International Centre for Settlement of Investment Disputes

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By e-mail

July 22, 2009

Vito G. Gallo
c/o Mr. Charles M. Gastle
Bennett Gastle Professional Corporation
Barristers and Solicitors
36 Toronto Street, Suite 250
Toronto, Ontario M5C 2C5
Canada

Government of Canada
c/o Mr. Michael Owen
Department of Foreign Affairs and
International Trade
Trade Law Bureau
125 Sussex Drive
Ottawa, Ontario KIA 0G2
Canada

Re: Vito G. Gallo v. Government of Canada

Dear Sirs,

I acknowledge receipt of the Claimant's letter of July 20, 2009, the Respondent's letter of July 21, 2009, and the Claimant's further letter of July 21, 2009.

I have also received copies of the Claimant's letter of July 7, 2009 addressed to Mr. J. Christopher Thomas, Q.C., the Respondent's observations thereon of July 10, 2009, and Mr. Thomas' reply of July 15, 2009.

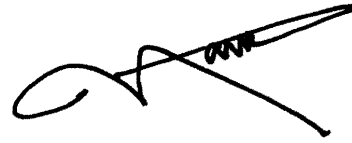
The Claimant's letter of July 20, 2009 requests that I decide its challenge of Mr. Thomas as arbitrator in this case. I invite the Claimant now to pay to the Centre the fee of US\$10,000 required under the ICSID Schedule of Fees for deciding a challenge of an arbitrator in a non-ICSID case.

Having considered the arguments advanced by the parties in support of their respective positions concerning the timing of their further submissions, I have decided:

- (1) to invite the Claimant to file any further observations that it may have on the challenge by July 27, 2009;
- (2) to invite the Respondent to file any further observations that it may have by August 10, 2009;
- (3) to invite Mr. Thomas to file any additional comments that he may have within ten days of his receipt of the Respondent's submission;
- (4) to invite the parties to file simultaneously any further comments that they may have within ten days of their receipt of Mr. Thomas' comments; and
- (5) to reserve the possibility of inviting further submissions if deemed necessary.

July 22, 2008

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nassib G. Ziadé', with a stylized flourish at the end.

Nassib G. Ziadé
Acting Secretary-General

cc: Professor Juan Fernández-Armesto
Professor Jean-Gabriel Castel
Mr. John Christopher Thomas, Q.C.
Mr. Paul-Jean Le Canu
Ms. Sylvie Tabet
Mr. Murdoch Martyn