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August 3, 2004

Via Fax For Distribution to the Tribunal

Mr. Gonzalo Flores  
International Centre for the Settlement of Investment Disputes  
818 H Street, N.W.  
Washington, D.C. 20433

Re: Thunderbird v. Mexico.

Dear Mr. Flores:

I write to address, and request that the Tribunal consider, new evidence which came to Claimant's attention on Friday, July 30, 2004.

On November 30, 2001, Attorney Luis Ruiz de Velasco of Baker & McKenzie filed a complaint with the Office of Internal Control of the Secretary of State of Mexico pertaining to the actions of Humberto Aguilar Coronado, General Director of Government of the Secretary of State and Guadalupe Vargas Barrera, Director of Gaming and Sweepstakes, among others, in relation to the closing of the EDM facilities. In his complaint, Mr. de Velasco asserted that Messrs. Aguilar Coronado and Vargas Barrera had failed in the performance of their official duties as it pertains to the July 10, 2001 administrative hearing, issuance of the October 10, 2001 administrative order and the closure of the EDM facilities. Mr. DeVelasco detailed a numbers of ways by which these public officials had failed to fulfill the responsibilities of public servants. Mr. de Velasco requested these individuals be sanctioned for having failed to comply with the responsibility of public servants in regard to their treatment of the EDMs. Mr. de Velasco informs us that received no response to that complaint until last week, almost three years after its filing.

On Friday, July 30, Mr. de Velasco informed us that he had received correspondence dated July 20, 2004 from Mr. Maclovio Murillo Chavez, Head of the Area of Complaints of the Office of Internal Control of the Secretary of State of Mexico responding to his complaint of November 30, 2001. In his correspondence, Mr. Murillo Chavez advised Mr. de Velasco that the November 30, 2001 complaint against Aguilar Coronado and Vargas Barrera, among others, had been assigned to the Internal Control Office under DE-0012/2004 for inquiry and investigation.

Copies of Mr. de Velasco's November 30, 2001 complaint and Mr. Maclovio Murillo Chavez' July 20, 2004 response advising of the investigation, along with translations secured over the weekend are attached.

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Claimant was not aware of this apparent investigation into the actions of Aguilar Coronado and Vargas Barrera until this last Friday, July 30, 2004. At that time, Albert Atallah, General Counsel to Thunderbird, and the undersigned counsel received fax copies of the July 20, 2004 letter which had been received by Mr. de Velasco from the Internal Control Office. It is unknown why it took almost three years for the Office of Internal Control to respond to Mr. de Velasco's November 30, 2001 complaint or why the investigation is proceeding at this point in time.

Claimant believes this new evidence is relevant to the claims presently before the Tribunal on a variety of levels. As it is not presently in the record, this new evidence was not addressed or mentioned in Claimant's post-hearing brief electronically filed yesterday afternoon. Claimant respectfully requests that the Tribunal admit this new evidence and consider it in its final deliberations on Thunderbird's claims.

Sincerely,



James D. Crosby

cc: Hugo Perezcano Diaz (via fax)  
Thunderbird (via fax)