

**NOTICE OF INTENT TO SUBMIT A CLAIM TO ARBITRATION  
UNDER NAFTA CHAPTER 11**

**I. TYPE OF CLAIM**

The claim is intended to be submitted by:

- An investor of a Party on its own behalf. (SEE NAFTA ARTICLE 1116)
- An investor of a Party on behalf on an enterprise that is a juridical person that the investor owns or controls directly or indirectly. (SEE NAFTA ARTICLE 1117)

**II. DISPUTING INVESTOR**

a) **Full name of the disputing investor:**

Please see Notice of Intent, Section A.

(SEE NAFTA ARTICLE 1119)

*If the disputing investor claims to be a national of a Party, please type the familial name in all capital letters.*

b) **Indicate whether the disputing investor is:**

- A Party
- A state enterprise of a Party
- A national of a Party
- An enterprise of a Party

(SEE NAFTA ARTICLES 201 AND 1139)

c) **For purposes of subparagraph (b), please identify the nationality of the disputing investor:**

- Mexico
- Canada
- United States

(SEE NAFTA ARTICLE 1139)

*If the disputing investor claims to be a national of a Party, please provide a copy of a passport or other evidence of nationality or citizenship.*

*If the disputing investor claims to be an enterprise of a Party, please provide a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party identified above.*

Please see ADM and Staley Certificates of Incorporation, attached to the Notice of Intent.

d) **Address of the disputing investor:**

Please see Notice of Intent, Section A.

**III. CLAIM BY AN INVESTOR OF A PARTY ON BEHALF OF AN ENTERPRISE (SEE NAFTA ARTICLES 1117 AND 1119)**

a) **Name of the enterprise:**

Please see Notice of Intent, Section B.

b) **Address of the enterprise:**

Please see Notice of Intent, Section B.

*If the claim is submitted by an investor of a Party on behalf of an enterprise, please provide:*

- i) *a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party against which the claim is asserted; and*
- ii) *evidence of direct or indirect ownership or control of the enterprise by the disputing investor. This provision does not require the disclosure of confidential business information.*

Please see the ALMEX Certificate of Incorporation, attached to the Notice of Intent, and the following materials, attached to this document: (1) Certification issued by Michell Nader Schekaibán, Secretary of the Board of Directors of ALMEX, stating that the shareholders of ALMEX are Staley and Controladora ADM, S.A. de C.V.; (2) Public deed number 74,312, issued by Joaquin F. Ocegurera, Mexican Public Notary number 99 of Mexico City certifying that Michell Nader Schekaibán is the Secretary of the Board of Directors of ALMEX; (3) Certification issued by Carlos R. Grimm, Secretary of the Board of Directors of Controladora ADM, S.A. de C.V., stating that the majority shareholder of Controladora ADM, S.A. de C.V. is Archer Daniels Midland Company; and (4) Public deed number 61,713 issued by Francisco Javier Arce Gargollo, Mexican Public Notary number 74 of Mexico City certifying the incorporation of Controladora ADM, S.A. de C.V. and the appointment of Carlos R. Grimm as Secretary of the Board of Directors of Controladora ADM, S.A. de C.V.

**IV. INVESTMENT (SEE NAFTA ARTICLE 1139)**

Indicate the type(s) of investment(s) involved:

Please see Notice of Intent, Sections D and F.

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|--|---|
| <input type="checkbox"/> (a) an enterprise;  | <input type="checkbox"/> (f) an interest in an enterprise that entitles the owner to share in the assets of that enterprise on dissolution, other than a debt security or a loan excluded from subparagraph (c) or (d);   |
| <input type="checkbox"/> (b) an equity security of an enterprise;<br>(i) where the enterprise is an affiliate of the investor, or<br>(ii) where the original maturity of the debt security is at least three years, not including a debt security, regardless of original maturity, of a state enterprise; |   |
| <input type="checkbox"/> (c) a debt security of an enterprise;   | <input type="checkbox"/> (g) real estate or other property, tangible or intangible, acquired in the expectation or used for the purpose of economic benefit or other business purposes; and   |
| <input type="checkbox"/> (d) a loan to an enterprise<br>(i) where the enterprise is an affiliate of the investor, or<br>(ii) where the original maturity of the loan is at least three years, not including a loan, regardless of original maturity, to a state enterprise;                                | <input type="checkbox"/> (h) interests arising from the commitment of capital or other resources in the territory of a Party to economic activity in such territory, such as under<br><br>(i) contracts involving the presence of an investor's property in the territory of the Party, including turnkey or construction concessions, or contracts, or<br><br>(ii) contracts where remuneration depends substantially on the production, revenues or profits of an enterprise. |
| <input type="checkbox"/> (e) an interest in an enterprise that entitles the owner to share in income or profits of the enterprise;   |   |

*Please provide evidence of direct or indirect ownership or control by the disputing investor, such as a copy of a title to property, a deed of incorporation of the enterprise, share certificates, a joint venture agreement, etc. To the extent that the disputing investor has provided any relevant evidence under Section III, it is not necessary to duplicate it under this Section. This provision does not require the disclosure of confidential business information.*

**V. LEGAL REPRESENTATIVE AND SERVICE OF DOCUMENTS**

a) Name: Last Name, First Name, Initial:

Connelly, Warren, E.  
Price, Daniel, M.

b) Address:

Warren E. Connelly  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
Phone: 202.887.4000  
Fax: 202.887.4288

Daniel M. Price  
Sidley Austin Brown & Wood LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Phone: 202.736.8000  
Fax: 202.736.8711

*Please provide a copy of a power of attorney or similar document that demonstrates that the legal representative is duly empowered to act on behalf of the investor.*

Please see the following materials attached to this document: (1) Notarized letter authorizing Warren E. Connelly to represent ADM in its NAFTA claims against Mexico; (2) Notarized letter authorizing Daniel M. Price to represent Staley in its NAFTA claims against Mexico; and (3) Public Deed number 9,864 issued by Jesus Manzanares Lejarazu, Mexican Notary Public number 10 of Guadalajara, Jalisco, granting a general power of attorney to Daniel M. Price and Warren E. Connelly to represent ALMEX in its NAFTA claims against Mexico.

c) Indicate the name and address of the person to whom correspondence should be directed.

Name: Last Name, First Name, Initial

Connelly, Warren, E.  
Price, Daniel, M.

**Address:**

Warren E. Connelly  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
Phone: 202.887.4000  
Fax: 202.887.4288

Daniel M. Price  
Sidley Austin Brown & Wood LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Phone: 202.736.8000  
Fax: 202.736.8711

**VI. PROVISIONS ALLEGED TO HAVE BEEN BREACHED AND OTHER APPLICABLE PROVISIONS (SEE NAFTA ARTICLE 1119)**

Indicate the provisions of NAFTA Chapter Eleven alleged to have been breached, and any other relevant provisions.

Please see Notice of Intent, Sections C and G.

**VII. ISSUES AND THE FACTUAL BASIS FOR THE CLAIM (NAFTA ARTICLE 1119)**

Describe the issues and the factual basis for the claim.

Please see Notice of Intent, Sections D and E.

**VIII. RELIEF AND AMOUNT OF DAMAGES (SEE NAFTA ARTICLE 1119)**

Indicate the relief sought and the approximate amount of damages claimed.

Please see Notice of Intent, Section H.

Warren E. Connelly  
Warren E. Connelly

Daniel M. Price  
Daniel M. Price

November 4, 2003