
**IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE NORTH
AMERICAN FREE TRADE AGREEMENT (“NAFTA”) AND THE 1976 UNCITRAL
ARBITRATION RULES**

between

RESOLUTE FOREST PRODUCTS INC.

Claimant

and

GOVERNMENT OF CANADA

Respondent

(PCA CASE NO. 2016-13)

PROCEDURAL ORDER NO. 5
ON SCHEDULING THE JURISDICTIONAL PHASE

ARBITRAL TRIBUNAL:

Judge James R. Crawford, AC (President)

Dean Ronald A. Cass

Dean Céline Lévesque

DECEMBER 12, 2016

Procedural Order No. 5 – Scheduling the Jurisdictional Phase

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1. PROCEDURAL HISTORY

- 1.1 Pursuant to Procedural Order No. 3 dated November 3, 2016 (**PO3**), the Tribunal set out two alternative schedules, one in the event that the proceedings were bifurcated (Schedule A) and the other in the event that the proceedings were not bifurcated (Schedule B).
- 1.2 On November 18, 2016, the Tribunal issued Procedural Order NO. 4 (**PO4**), ordering that these proceedings be bifurcated for the purposes of hearing the Respondent's objections on jurisdiction and admissibility. According to paragraph 5.2 of PO4, the Tribunal adopted Schedule A of PO3 and invited the Disputing Parties to submit any agreed amendments to the schedule.
- 1.3 The Tribunal received correspondence from each Disputing Party on December 5, 2016 outlining agreed dates for filing the first round of pleadings and the hearing dates, but stating their disagreement on the possible necessity for discovery and, consequently, the dates for the filing of the second round of pleadings as well as Non-Disputing Party and Amici submissions.

2. SCHEDULE

- 2.1 The Tribunal considers that no discovery will be necessary in the jurisdictional phase of these proceedings. Each Disputing Party is free to substantiate its pleaded case in the pleading itself, to the extent thought necessary. Accordingly, and having considered the comments of the Disputing Parties in their correspondence, the Tribunal sets the following schedule, amending PO3 as necessary:

Date	Event
December 22, 2016	Respondent's Memorial on Jurisdiction
February 22, 2017	Claimant's Counter-Memorial on Jurisdiction
March 29, 2017	Respondent's Reply Memorial on Jurisdiction
May 3, 2017	Claimant's Rejoinder Memorial on Jurisdiction
May 31, 2017	NAFTA Article 1128 Submissions and Amici Applications/Submissions
June 21, 2017	Disputing Parties' comments in response to Article 1128 Submissions and to Amici Applications/Submissions
July 19, 2017	Pre-hearing conference and List of Issues to Disputing Parties per Art 22 of PO1
August 15-17, 2017	Hearing on Jurisdiction in [<i>North American venue to be agreed</i>]

- 2.2 The Tribunal considers it premature at this stage to make any direction in respect of scheduling for the merits phase.

Procedural Order No. 5 – Scheduling the Jurisdictional Phase

Date: December 12, 2016

For the Arbitral Tribunal



Judge James R. Crawford, AC