

IN A NAFTA ARBITRATION UNDER THE UNCITRAL ARBITRATION RULES

- between -

S.D. MYERS, Inc.

('MYERS')

(Claimant)

- and -

GOVERNMENT OF CANADA

('CANADA')

(Respondent)

PROCEDURAL ORDER No. 20

Introduction

1. On 20 July 2001 CANADA delivered a second stage Supplemental Counter-Memorial pursuant to paragraph 7 of Procedural Order No. 19. On 10 August 2001 MYERS delivered a second stage Reply Memorial pursuant to paragraph 8 of Procedural Order No. 19.
2. CANADA made an application asking the Tribunal to revise the procedural schedule for the second stage of the arbitration, on the ground that MYERS Reply Memorial annexed approximately 2000 pages of new documentary evidence as well as several new experts reports and written statements of witnesses of fact. CANADA stated that it needed more than the 14 days provided by paragraph 9 of Procedural Order No. 19 in order to prepare its Reply Memorial. CANADA also requested the Tribunal to convene a telephone conference with the parties for the purpose of discussing the latest procedural situation.
3. On 24 August 2001 the Tribunal held a further case management meeting by telephone conference at which CANADA's application was discussed. Later on the same day, the Disputing Parties' representatives having taken instructions on the



availability of witnesses and others required to be present, a second telephone conference took place and the remaining steps for the second stage of the arbitration were rescheduled, by consensus, as set out below.

Further written submissions

- 4. Paragraph 9 of Procedural Order No. 19 is amended to provide that CANADA shall deliver its ~~short Reply Memorial~~ by 31 August 2001.
- 5. The Disputing Parties' ~~short "bullet point form"~~ Pre-hearing Memoranda referred to in paragraph 11 of Procedural Order No. 19 shall be delivered by 14 September 2001.

Other pre-hearing activity

- 6. The meeting of experts contemplated by paragraph 12 of Procedural Order No. 19 shall take place during the week beginning 5 September 2001. The experts' short joint report to the Tribunal contemplated by paragraph 12 of Procedural Order No. 19 shall be delivered by 14 September 2001.

The Second Stage Hearing

- 7. The second stage hearing shall start on Friday 21 September 2001 and shall continue, if necessary, through Wednesday 26 September 2001.
- 8. The Disputing Parties shall endeavour to agree upon the allocation of the available hearing time. Sufficient time shall be allocated for Tribunal questions and short oral submissions by counsel for the non-disputing Parties. Failing agreement by 17 September 2001 the Disputing Parties shall invite the Chairman of the Tribunal to intervene.

Other Matters

- 9. Either of the Disputing Parties may apply at any time for the terms of this Order to be supplemented, varied or reviewed.

Signed: Martin Hunter
 (on behalf of the Tribunal)

Dated: 25 August 2001