

---

**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

**Contents**

|                            |   |
|----------------------------|---|
| 1. Procedural History..... | 3 |
| 2. Schedule .....          | 3 |

Procedural Order No. 5 – Scheduling the Jurisdictional Phase

**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:

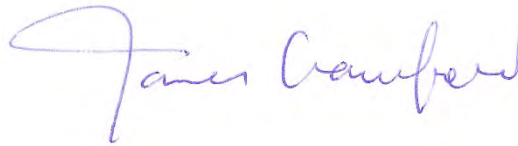
| <b>Date</b>        | <b>Event</b>  |
|--------------------|---|
| December 22, 2016  | Respondent's Memorial on Jurisdiction   |
| February 22, 2017  | Claimant's Counter-Memorial on Jurisdiction   |
| March 29, 2017     | Respondent's Reply Memorial on Jurisdiction   |
| May 3, 2017        | Claimant's 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