
**IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE NORTH
AMERICAN FREE TRADE AGREEMENT 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. 7
ON SCHEDULING THE MERITS AND DAMAGES PHASE**

ARBITRAL TRIBUNAL:

Judge James R. Crawford, AC (President)

Dean Ronald A. Cass

Dean Céline Lévesque

March 23, 2018

Procedural Order No. 7 – Scheduling the Merits and Damages Phase

1. PROCEDURAL HISTORY

- 1.1 The Tribunal issued its Decision on Jurisdiction and Admissibility on January 30, 2018.
- 1.2 Following an invitation by the Tribunal to consult on next steps, the Disputing Parties informed the Tribunal on March 16, 2018 that they had agreed on a schedule for the merits and damages phase. The agreed schedule incorporates two rounds of simultaneous document production. The Disputing Parties informed the Tribunal that they had agreed to this procedure with the “understanding that the second document production should be narrow and tailored.” They further agreed that each request “should be the consequence of the pleadings and should identify with precision a statement, claim, or argument in the other Disputing Party’s pleading that warrants further discovery or additional documents.”

2. ORDER

- 2.1 The Tribunal approves the schedule agreed by the Disputing Parties for the Merits and Damages Phase, which shall be as follows:

	Procedural Step	Time Period	Date
A.	Tribunal’s Procedural Order on the schedule for the Merits and Damages Phase		March 23, 2018
B.	Exchange of requests for the production of documents	28 days	April 20, 2018
C.	Objections to requests for the production of documents	28 days	May 18, 2018
D.	Responses to objections to requests for the production of documents	21 days	June 8, 2018
E.	Production of documents in response to undisputed document requests	14 days	June 22, 2018
F.	Submission of Redfern Schedule for disputed document requests / application to the Tribunal for Order on disputed requests for the production of documents	7 days	June 29, 2018

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	Procedural Step	Time Period	Date
G.	Tribunal's Order on the production of documents	21 days	July 20, 2018
H.	Production of documents as ordered by the Tribunal	28 days	August 17, 2018
I.	Claimant's Memorial on the Merits and Damages	60 days	October 16, 2018
J.	Respondent's Counter-Memorial on the Merits and Damages	62 days	December 17, 2018
K.	Exchange of additional requests for the production of documents. Each additional request should be the consequence of the pleadings and should identify with precision a statement, claim, or argument in the other Disputing Party's pleading that warrants further discovery or additional documents.	30 days	January 16, 2019
L.	Objections to additional requests for the production of documents	14 days	January 30, 2019
M.	Production of documents in response to undisputed additional document requests Responses to objections to disputed additional document requests	14 days	February 13, 2019
N.	Submission of Redfern Schedule for disputed document requests/ application to the Tribunal for Order on disputed requests for the production of documents	7 days	February 20, 2019
O.	Tribunal's Order on the production of additional documents	14 days	March 6, 2019
P.	Production of additional documents as ordered by the Tribunal	14 days	March 20, 2019
Q.	Claimant's Reply Memorial on the Merits and Damages	30 days	April 19, 2019

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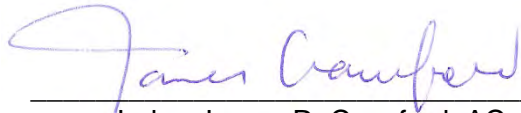
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	Procedural Step	Time Period	Date
R.	Respondent's Rejoinder Memorial on the Merits and Damages	45 days	June 3, 2019
S.	NAFTA Article 1128 Submissions and Amici Submissions/Applications	30 days	July 3, 2019
T.	Disputing Parties' comments in response to Article 1128 Submissions and Amici Submissions/Applications	30 days	August 2, 2019
U.	Pre-hearing conference and List of Issues to the Disputing Parties per Article 22 of Procedural Order No. 1	30 days before V (approx.)	TBD
V.	Hearing on the Merits and Damages	TBD	TBD

2.2 As agreed by the Parties, each document production request should be the consequence of the pleadings and should identify with precision a statement, claim, or argument in the other Disputing Party's pleading that warrants further discovery or additional documents.

Date: March 23, 2018

For the Arbitral Tribunal



Judge James R. Crawford, AC