
**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. 12
ON FURTHER REVISED SCHEDULE FOR THE MERITS AND DAMAGES PHASE**

ARBITRAL TRIBUNAL:

Judge James R. Crawford, AC (President)

Dean Ronald A. Cass

Dean Céline Lévesque

November 18, 2019

Procedural Order No. 12 – Further Revised Schedule for the Merits and Damages Phase

1. PROCEDURAL HISTORY

- 1.1 The Tribunal issued Procedural Order No. 8 on Revised Schedule for the Merits and Damages Phase on August 15, 2018.
- 1.2 On December 28, 2018, in accordance with an extension agreed by the Parties and approved by the Tribunal, the Claimant filed its Memorial on the Merits and Damages.
- 1.3 Following an invitation by the Tribunal to consult on revisions to the schedule, on February 15, 2019, the Disputing Parties informed the Tribunal that they had conferred and reached agreement on a further revised schedule for the remainder of the proceedings and requested the approval of the Tribunal.
- 1.4 The Tribunal subsequently issued Procedural Order No. 10 on Further Revised Schedule for the Merits and Damages Phase on February 19, 2019.
- 1.5 In accordance with Procedural Order No. 10, the Respondent filed its Counter-Memorial on Merits and Damages on April 17, 2019.
- 1.6 On August 22, 2019, the Parties sent a revised schedule to the Tribunal for the Merits and Damages Phase, which the Tribunal approved on August 23, 2019.
- 1.7 By letter dated October 21, 2019, the Tribunal requested that the Parties confirm their availability to hold the Oral Hearing during the week commencing May 18, 2019 and invited their comments on preferred venue and expected length of the Oral Hearing.
- 1.8 On October 28, 2019, the Parties confirmed their availability for the Oral Hearing to begin on May 18, 2020 and informed the Tribunal that they would revert on venue and expected length of the Oral Hearing.
- 1.9 On November 12, 2019, the Parties advised their joint preference for the Oral Hearing to take place in Toronto, Canada and that it was premature to fix the length of the hearing at this stage.

Resolute Forest Products Inc. v. Government of Canada
(PCA Case No. 2016-13)

Procedural Order No. 12 – Further Revised Schedule for the Merits and Damages Phase

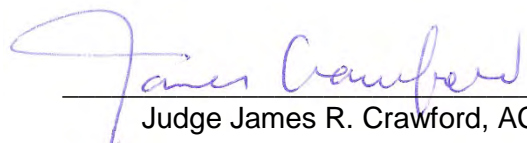
2. ORDER

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

| | Procedural Step | Date |
|----|---|---|
| Q. | Claimant's Reply Memorial on the Merits and Damages | December 6, 2019 |
| R. | Respondent's Rejoinder Memorial on the Merits and Damages | March 4, 2020 |
| S. | NAFTA Article 1128 Submissions and Amici Submissions / Applications | April 1, 2020 |
| T. | Disputing Parties' comments in response to Article 1128 Submissions and Amici Submissions / Applications | April 15, 2020 |
| U. | Pre-hearing conference and List of Issues to the Disputing Parties per Article 22 of Procedural Order No. 1 | Mid-April 2020 |
| V. | Hearing on the Merits and Damages Toronto, Canada, at the Arbitration Place. | Week of May 18, 2020 [precise dates to be confirmed] |

Date: November 18, 2019

For the Arbitral Tribunal



Judge James R. Crawford, AC