

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

-between-

**WILLIAM RALPH CLAYTON, WILLIAM RICHARD CLAYTON, DOUGLAS
CLAYTON, DANIEL CLAYTON AND BILCON OF DELAWARE INC.**

(the “Investors”)

-and-

GOVERNMENT OF CANADA

(the “Respondent” and, together with the Investors, the “Disputing Parties”)

PROCEDURAL ORDER NO. 15

October 17, 2012

ARBITRAL TRIBUNAL:

Judge Bruno Simma (President)
Professor Donald McRae
Professor Bryan Schwartz

Permanent Court of Arbitration (PCA) Case No. 2009-04

WHEREAS, by letter dated October 5, 2012, the Tribunal provided the Disputing Parties with a proposed procedural calendar up to the hearing on jurisdiction and merits and indicated that it would adopt the calendar in the absence of any serious concerns by the Disputing Parties,

WHEREAS, on October 11, 2012 and October 12, 2012, the Disputing Parties submitted their comments on the proposed calendar,

THE TRIBUNAL ISSUES THE FOLLOWING PROCEDURAL ORDER:

1. The Tribunal has considered the views of both Disputing Parties on its proposed calendar. As stated in the Tribunal's October 5, 2012 letter, the calendar is based on the periods originally set out in Procedural Order No. 3 in view of the completion of the Respondent's remaining document production on October 19, 2012, with modifications to give the Respondent adequate time to prepare any interrogatories and the Investors adequate time to respond.
2. The Tribunal notes, in particular, the Disputing Parties' comments on the appropriate timing for the Respondent's application for leave to file interrogatories pursuant to Section 6.1 of Procedural Order No. 3.
3. The Tribunal is of the view that requiring the Respondent to apply for leave to file interrogatories as early as January 5, 2013, would not give the Respondent adequate time to prepare its application following the submission of the Investors' Reply. Bearing in mind the importance of adhering to the calendar in light of the provisionally agreed hearing dates (between June 17 and June 28, 2013), the Tribunal will endeavor to take a decision on the Respondent's application as expeditiously as possible.
4. Taking into account the Disputing Parties' comments, the Tribunal adopts the following calendar:

Completion of document production	October 19, 2012
Submission of the Reply	December 21, 2012
Submission of the Respondent's application for leave to file interrogatories directed to the Investors	January 11, 2013
Submission of the Investors' comments on the Respondent's application	January 15, 2013
Investors' response to the Respondent's interrogatories (if applicable)	February 11, 2013
Submission of the Rejoinder	March 21, 2013
Submissions pursuant to NAFTA Art. 1128	April 19, 2013
Comments on Art. 1128 Submissions	May 17, 2013

Hearing	June 17 to 28, 2013
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Dated: October 17, 2012



Judge Bruno Simma
President of the Tribunal

On behalf of the Tribunal