

AN ARBITRATION UNDER CHAPTER ELEVEN OF THE
NORTH AMERICAN FREE TRADE AGREEMENT

BETWEEN:

CHEMTURA CORPORATION
(formerly Crompton Corporation)

Claimant

and

GOVERNMENT OF CANADA

Respondent.

PROCEDURAL ORDER NR. 6

(29 September 2009)

ARBITRAL TRIBUNAL:

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)
The Honourable Charles N. Brower
Professor James Crawford

Secretary of the Tribunal
Dr. Jorge E. Vinuales

I. PROCEDURAL BACKGROUND

1. The hearing on the merits started as scheduled on 2 September 2009 and ended earlier than anticipated on 8 September 2009, by agreement of the Parties and the Tribunal, the Parties having been able to fully present their cases.
2. At the close of the hearing, after consultation with the Parties, the Tribunal issued directions regarding the further procedural steps. The present order summarizes these directions.

II. DECISION

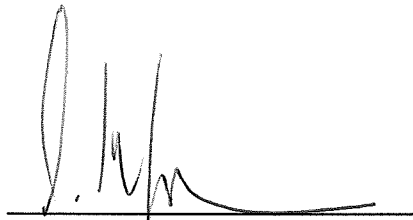
A. Hearing (closing statements)

3. The hearing for the presentation of the Parties' closing arguments will take place on 17th December 2009 in Ottawa, at the Gouvernement Conference Centre, starting at 10:00 a.m. and ending approximately at 5:00 p.m.
4. The Claimant will have two hours (from 10:00 a.m. to 12:00 noon) to present its closing statement. Then, after a lunch break of one hour, the Respondent will in turn have two hours to present its closing statement (from 1:00 p.m. to 3:00 p.m.). Thereafter, the Parties will have a maximum of 30 minutes each for rebuttals and some time will be reserved for questions from the Tribunal.

B. Post-hearing briefs

5. Each Party shall file its post-hearing brief on 23 October 2009 (at 6:00 p.m., Ottawa time).
6. The post-hearing briefs shall cover all the matters which the Parties deem appropriate and necessary at the present stage. This said, the Parties are invited to focus on the evidence taken during the hearing, to make best efforts to be concise, and to address, in addition to any others they deem relevant, the issues raised by the Tribunal at the end of the hearing as reflected in the transcript.
7. Within the time limit mentioned in section 5 *supra*, the Parties shall file, if possible jointly, a timeline of the registrations, both in Canada and the United States, of the different Gaucho products, as well as Helix, Helix Extra, Prosper and Premier Z.
8. The Parties shall file no new documents (including, for the avoidance of doubt, no new expert evidence) with their post-hearing briefs, except upon leave of the Tribunal.
9. The Parties may file new demonstrative exhibits to the extent that such exhibits are based on documents or testimony already in the record.

For the Arbitral Tribunal,

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a series of loops and a long horizontal stroke at the end.

Gabrielle Kaufmann-Kohler
Presiding Arbitrator