ARBITRATION UNDER
THE NORTH AMERICAN FREE TRADE AGREEMENT
AND THE 2010 UNCITRAL ARBITRATION RULES

Between

DETROIT INTERNATIONAL BRIDGE COMPANY
(on its own behalf and on behalf of its enterprise The Canadian Transit Company)
Claimant

and

THE GOVERNMENT OF CANADA
Respondent
(and together with the Claimant, the “Disputing Parties”)

PROCEDURAL ORDER No. 5
September 27, 2013

Arbitral Tribunal
Mr. Yves Derains (Chairman)
The Hon. Michael Chertoff
Mr. Vaughan Lowe, Q.C.
WHEREAS on September 17, 2013, a conference call was held with the Disputing Parties and the Arbitral Tribunal, pursuant to paragraph 3 of Procedural Order No. 4;

WHEREAS during the conference call the Arbitral Tribunal and the Disputing Parties discussed the possibility of having a round of document production on jurisdiction and admissibility, and discussed and agreed on a schedule for further written submissions on jurisdiction and admissibility;

WHEREAS by e-mail of September 20, 2013, the Disputing Parties requested the Arbitral Tribunal that the hearing on jurisdiction and admissibility be held on the week of March 17, 2014. While Claimant informed that a one-day hearing is sufficient, Respondent believes that two days will be necessary. As for location of the hearing, the Disputing Parties deferred to the preference of the Tribunal as to whether Toronto, New York or Washington D.C. is more convenient and cost effective.

THE TRIBUNAL DIRECTS AS FOLLOWS:

1. After hearing the Disputing Parties, the Tribunal decides that a document production phase is not necessary at this point of the proceedings.

2. The following procedural calendar was agreed by the Disputing Parties and the Arbitral Tribunal:

<table>
<thead>
<tr>
<th>Date</th>
<th>Actions</th>
<th>Party/Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 22, 2013</td>
<td>Reply to DIBC’s Counter-Memorial on Jurisdiction and Admissibility</td>
<td>Canada</td>
</tr>
<tr>
<td>January 10, 2014</td>
<td>DIBC’s Rejoinder to Canada’s Reply to DIBC’s Counter-Memorial on Jurisdiction and Admissibility</td>
<td>DIBC</td>
</tr>
<tr>
<td>January 24, 2014</td>
<td>NAFTA Art. 1128 submissions and/or amicus curiae submissions (if any)</td>
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<tr>
<td>February 14, 2014</td>
<td>Reply to eventual NAFTA Art. 1128 submissions and/or amicus curiae submissions</td>
<td>DIBC / Canada</td>
</tr>
<tr>
<td>March 20 and 21, 2014</td>
<td>Hearing on Jurisdiction and Admissibility</td>
<td>All</td>
</tr>
</tbody>
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3. The Tribunal decides that the Hearing on Jurisdiction and Admissibility will take place in Washington D.C. The Disputing Parties will jointly make all necessary arrangements for the selection and booking of the hearing room and break-out
rooms, as well as court reporting. They will timely, and at the latest 3 months before the scheduled hearing, inform the Arbitral Tribunal of the arrangements made.

Place of arbitration: Washington D.C., USA

Chairman of the Arbitral Tribunal

Yves DERAINS