

## Archived Content

Information identified as archived on the Web is for reference, research or recordkeeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards. As per the [Communications Policy of the Government of Canada](#), you can request alternate formats by [contacting us](#).

## Contenu archivé

L'information archivée sur le Web est disponible à des fins de consultation, de recherche ou de tenue de dossiers seulement. Elle n'a été ni modifiée ni mise à jour depuis sa date d'archivage. Les pages archivées sur le Web ne sont pas assujetties aux normes Web du gouvernement du Canada. Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez obtenir cette information dans un format de rechange en [communiquant avec nous](#).

**Arbitration proceedings pursuant to the Softwood Lumber Agreement  
between Canada and the United States of America,  
entered into on 12 September 2006 (the SLA)  
and the LCIA Arbitration Rules (the LCIA Rules)**

**LCIA Arbitration 7941**

In the matter between:

**THE UNITED STATES OF AMERICA**

**AND**

**CANADA**

**PROCEDURAL ORDER (PO) No. 4**

**Regarding the procedure after the Hearing on Remedies**

1. This Order puts on record the results of the discussion and agreement with the Parties at the end of the Hearing on Remedies in New York on September 22 and 23.
2. The Parties shall try to agree as soon as possible in direct contact, and in contact with the court reporting service, regarding any **corrections of the transcript** of the hearing. The agreed corrected text of the transcript shall be circulated. Should any disagreement remain, they may apply to the Tribunal to deal with the matter.
3. **By October 31, 2008**, the Parties shall simultaneously submit **Post-Hearing Briefs** containing the following:
  - 3.1. An Evaluation of what they consider the most relevant results of the hearing for the relief sought in this case.
  - 3.2. Separate sections in particular on the following:
    - a) Has the **Agreement of the Parties** at the end of the Hearing on Liability, recorded in section I paragraph 4 of the Decisions in the Award on Liability, applied by parties' submissions of April 3, 2008, and later, and consequently by PO 2 on the further procedure on remedies, **changed the provisions of Art. XIV paragraphs 22 seq. SLA**, and if so, to which effect?

- 
- b) Which Party has the **burden of proof** for which aspects of the claims raised?
- c) In case the Tribunal concludes that a retroactive compensation system has to be applied under Art. XIV paragraphs 22 seq., what are the results of the examination of the experts at the hearing regarding the possible models or the best model for determining appropriate adjustments according to paragraph 22 (b)?
4. The sections of the Post-Hearing Briefs requested under paragraph 3 above shall include references to all sections in the Parties' earlier submissions as well as to exhibits (including the expert reports and legal authorities) and to the corrected hearing transcript on which the Parties rely regarding the respective issues.
5. No new exhibits (including authorities) may be attached to the Post-Hearing Briefs.



Karl-Heinz Böckstiegel  
Chairman of Tribunal