

Federal Court of Canada
Trial Division



Section de première instance de
la Cour fédérale du Canada

Date: 20030212

Docket: T-225-01

Ottawa, Ontario, this 12th day of February, 2003

PRESENT: MADAM PROTHONOTARY ARONOVITCH

**IN THE MATTER OF SECTIONS 5 AND 6 OF THE *COMMERCIAL
ARBITRATION ACT*, R.S.C. 1985, c. 17(2ND SUPP.)**

**IN THE MATTER OF ARTICLES 1, 6 AND 34 OF THE *COMMERCIAL
ARBITRATION CODE* SET OUT IN THE SCHEDULE TO THE
*COMMERCIAL ARBITRATION ACT***

**AND IN THE MATTER OF AN ARBITRATION UNDER CHAPTER 11 OF
THE *NORTH AMERICAN FREE TRADE AGREEMENT ("NAFTA")*
BETWEEN S.D. MYERS, INC. AND THE GOVERNMENT OF CANADA**

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

- and -

S.D. MYERS, INC.

Respondent

-and-

THE UNITED MEXICAN STATES

Intervener

ORDER

On the motion of the Attorney General of Canada for an order consolidating the application for judicial review in court file no. T-81-03 with this application and for directions as to the record upon which the consolidated proceedings should be determined, and with consent of all parties and of the intervener;

THIS COURT ORDERS THAT:

1. The Applications for Judicial Review in Court file numbers T-225-01 and T-81-03 are consolidated as follows and shall be heard together or consecutively.
2. Subject to paragraph 4, the parties may rely in Court file numbers T-225-01 and T-81-03 on the Application Records already filed in Court File Number T-225-01 and the Application Records to be filed by the parties in Court File No. T-81-03.
3. The Application Records filed by the parties in Court File Number T-81-03 shall not duplicate material already appearing in the Application Records filed in Court File No. T-225-01.
4. In lieu of the memoranda of argument included in the Application Records previously filed by each of the parties in Court File number T-225-01, each of the parties shall file a consolidated memorandum of argument, not exceeding 70 pages in length, in respect of the Applications consolidated by this Order.

5. In lieu of the memorandum of argument included in the Application Record previously filed by the Intervener in Court File number T-225-01, the Intervener shall file a consolidated memorandum of argument in Court File number T-81-03, not exceeding 48 pages in length, in respect of the Applications consolidated by this Order, and shall serve and file the consolidated memorandum within 20 days after service of the Respondent's consolidated memorandum of argument.
6. The Respondent may serve and file supplementary submissions responding to the Intervener's consolidated memorandum of argument within 10 days after service of the Respondent's consolidated memorandum of argument.
7. The Applicant may, notwithstanding Rule 314(1) and Rule 314(2)(a), immediately requisition a hearing of the application for judicial review in Court File number T-81-03 together with the application for judicial review in Court File number T-225-01.
8. A copy of this order shall be placed on Court File number T-81-03.

"Roza Aronovitch"

Prothonotary