

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES  
WASHINGTON, D.C.**

**IN THE ARBITRATION PROCEEDING  
UNDER CHAPTER ELEVEN OF THE NAFTA  
AND THE ICSID ARBITRATION (ADDITIONAL FACILITY) RULES  
BETWEEN:**

**MOBIL INVESTMENTS CANADA INC. AND MURPHY OIL CORPORATION  
and  
CANADA  
(ICSID CASE No. ARB(AF)/07/4)**

**PROCEDURAL ORDER NO. 2**

**5 November 2009**

**DECISION OF THE TRIBUNAL  
ON THE COURT OF THE PLACE OF ARBITRATION**

1. In their Supplemental Submission on the Place of Arbitration dated 12 May 2009 the Claimants submitted that in the event that Toronto were to be selected as the place of arbitration, then the Ontario Superior Court of Justice should have exclusive jurisdiction over the arbitration. The Respondent did not at the time express a view on this particular matter.
2. By Procedural Order No. 1 of 7 October 2009 the Arbitral Tribunal selected Toronto as the place of arbitration. In its Procedural Order No. 1 the Arbitral Tribunal, having regard to the Respondent's objection to the choice of Toronto and the absence of detailed arguments as to which court in Toronto should be selected, the Arbitral Tribunal invited further

submissions from the Parties “on the relative merits of the specific Toronto based court to be selected” (paragraph 43).

3. By letter dated 28 October 2009 the Respondent expressed agreement with the Claimants’ proposal and stated that “the Ontario Superior Court of Justice shall be the exclusive court of the place of arbitration in which any and all applications concerning the arbitration shall be filed”.

Having regard to the submission of the Parties,

FOR THESE REASONS

The Arbitral Tribunal hereby confirms that, in accordance with the common views of the Parties, the Ontario Superior Court of Justice will be the court of the place of arbitration with exclusive jurisdiction with regard to this arbitration.

For the Tribunal,

Professor Hans van Houtte  
Chairman

Date: 5 November 2009