

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
1.	Seismic or geophysical program authorizations or permits issued by all levels of government agencies related to GSI's Seismic Works including those set out in Claimants' Exhibit C-047.	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 3-5, 8, 35. Claimants' Memorial, ¶¶ 43-44, 59, 425-426. Paul Einarsson Witness Statement, ¶¶ 106-107. Counter-Memorial, ¶¶ 1, 3, 16, 28, 30, 34, 35, 46, 47, 51, 54, 79, 81, 91-93, 96-97, 324,-328. 	The Respondent asserts that the requested geophysical program authorizations stipulate "conditions under which [the Claimants] made their investment in Canada." The Respondent asserts that the conditions stipulated in the program authorizations are such that GSI "voluntarily accepted" that the Respondent would publicly disclose and permit copying of its intellectual property, such that no expropriation has occurred. (Statement of Defence, ¶ 3). The Claimants dispute the Respondent's	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> 3(a) Claimants' Possession, Custody or Control: the requested material is in the Claimants' possession, custody or control, as they received the requisite program licenses and authorizations in order to carry out their seismic programs. Furthermore, the Claimants have received other related information pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. Finally, many of the requested documents were already produced 	The Respondents have asserted that all "authorizations and other related documentation attached thereto" pursuant to which GSI obtained seismic materials "referenced the Boards' authority to release GSI's seismic materials". (Counter-Memorial, para 325). In support of this assertion, Canada has not produced a full record of the authorizations and related documentation necessary to support this statement. The Claimants concede that the Respondent has already produced responsive documents related to the period between 1997 and 2008 through the Witness Statements of Bharat Dixit, Trevor Bennett and Carl Makrides.	<p>Ordered</p> <ul style="list-style-type: none"> to the extent the relevant authorizations or permits were obtained by third parties for the period 1971- 1997 limited to the locations identified in Claimants' Response <i>in fine</i> (i.e. the Boards, Natural Resources Canada, the Newfoundland Department of Industry, Energy and Technology and the Nova

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			<p>assertions regarding content and effect of the program authorizations. Based on the records in the possession of the Claimants, they do not support the Respondent's contention (Claimants' Memorial, ¶¶ 43-44, 59, 425-426).</p> <p>The Respondent alleges that such authorizations are or may be determinative to the outcome of this matter, so disclosure of all geophysical program authorizations relevant to the Seismic Works at issue in this matter is</p>	<p>along with the Witness Statements of Bharat Dixit, Trevor Bennett and Carl Makrides.</p> <ul style="list-style-type: none"> 1(d) Stated Reasons Are Matters of Legal Argumentation: the Claimants assert that they "dispute the Respondent's assertions regarding content and effect of the program authorizations." Where the Claimants disagree with Canada's interpretation of certain points of fact, they may advance arguments for their interpretation in their written submissions. 2(a) Overbroad Subject and Scope: the subject matter of this request is extremely over-broad, as it covers authorizations or 	<p>However, the Respondent has not produced responsive documents for the period predating 1997.</p> <p>The Claimants have reviewed their records and contrary to the Respondent's bare assertions do not have possession, custody or control over any program licenses or authorizations for the Seismic Materials described in Schedule "A" hereto.</p> <p>In addition to the pre-1997 period, GSI itself did not always obtain the requisite program licences and authorizations for seismic programs that resulted in GSI owning seismic materials. Such authorizations were at times obtained by third parties</p>	<p>Scotia Department of Energy and Mines.</p> <ul style="list-style-type: none"> subject to Claimants' confirmation that its non-possession is not a result of its 7- year document retention policy¹

¹ This condition applies to each of Claimants' requests as stated in PO 2 para.10 and will not be repeated regarding the other requests ruled upon in this schedule.

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			<p>necessary to ensure that a full record of the authorizations is before the Tribunal. Such disclosure will allow the Tribunal to determine whether the Respondent's assertions regarding the content and effect of the geophysical program authorizations have any merit.</p>	<p>permits and anything "related to" GSI's Seismic Works. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • 2(b) Overbroad Time-Period: the time period for the request is unlimited, which is significantly overbroad. Indeed, this request refers (but is not limited) to Exhibit C-047 which includes seismic programs dating back to 1971. • 2(c) Overbroad Coverage of Governmental Entities: the Claimants do not specify which level of government, department or regulatory body is concerned by the request, but rather request documents from "all levels of government 	<p>(such as GSI's predecessors, customers or partners, including those entities listed in Request 3). GSI has not previously been able to obtain such authorizations from the Respondent using ATIP processes because the parties to the permit are not GSI. Such authorizations have also not been produced by any the Respondent's witness statements in this matter.</p> <p>To the extent that the Respondent, and in particular the Boards, have possession or control over any heretofore unproduced authorizations which it asserts were a pre-requisite to obtaining the seismic material set out in Claimants' Exhibit C-047, they are clearly material to the Respondent's assertion</p>	

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				agencies”. This request covers potentially 7 provinces and territories in addition to the federal government. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.	that all relevant authorizations referenced the Boards’ authority to publicly release GSI’s seismic materials after the expiry of confidentiality periods, notwithstanding GSI’s intellectual property rights. This assertion is a lynchpin of the Respondent’s “rules of the game” argument, which is central to its defence. In order to test the assertion, the Claimants and the Tribunal must see the underlying documents to be able to interpret them directly for themselves. This evidence is required to test the Respondent’s assertions, so it is open to the Respondent to withdraw the assertions and avoid production of the documents.	

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					<p>In response to the Respondent's objections based on the request being overbroad, the Claimants are seeking a narrow, specific, relevant and material set of documents. The Claimants expect that there will likely be approximately 100 total geophysical program authorizations which were issued in order to authorize the Seismic Works at issue in this matter. The Respondent need not reproduce the program authorizations already produced in its witness statements. The relevant time period for this request relates to the period between 1971 and 2008. Such authorizations appear likely to be kept in the records of the Boards, Natural Resources Canada, or at the Newfoundland</p>	

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					Department of Industry, Energy and Technology and the Nova Scotia Department of Energy and Mines.	
2.	Records related to the Access to Information Act requests and responses made by the Claimants to the Respondent or any related government agencies regarding the submission, disclosure or copying of the Seismic Works prior to the submission of this claim to arbitration, and any related Office of the Information Commissioner of	Counter-Memorial, ¶¶ 203-223.	The Respondent alleges that the Claimants “first acquired knowledge of the Regulatory Regime and any resulting loss or damage more than three years prior to the submission of their claim to arbitration” (Canada’s Counter-Memorial, ¶ 207). The Claimants submit that the requested materials are relevant to whether the Respondent responded honestly and in good faith to the inquiries made by	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> • <u>3(a) Claimants’ Possession, Custody or Control</u>: the Claimants requested records under the <i>Access to Information Act</i> starting in 1999. They received responses, as ordered by the Federal Court of Canada in its ruling of April 25, 2003 (<i>GSI v. C-NL Offshore Petroleum</i>, 2003 FCT 507). Any relevant and accessible material relating to these requests is already in the Claimants’ possession, custody or control (e.g., C-111). Similarly, any 	The Respondent’s objection based on the requested records being under the possession or control of the Claimants is unfounded. GSI is not able to retain records in full after seven years have passed, so it may be missing records relating to the referenced <i>Access to Information Act</i> (“AIA”) requests. Further, the request also encompasses internal records of the Respondent regarding how it developed its responses to Access to Information requests or Office of the Information Commissioner of Canada	Denied

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	Canada decisions and reports.		the Claimants, or whether the Respondent sought to conceal information showing the existence of losses or damages suffered by the Claimant, prior to the submission of their claim to arbitration.	<p>relevant records related to Office of the Information Commissioner of Canada decisions and reports to which the Claimants were parties are already in the Claimants' possession, custody or control. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of the requested documents.</p> <ul style="list-style-type: none"> • <u>1(b) Stated Reasons Improperly Invoke Canada's Limitation Period Objection</u>: the Claimants invoke Canada's limitation period objection in the "Reasons for Request" without explaining how the requested documents are relevant to (i) the limitation period 	<p>("OIC") investigations, which internal records have never previously been shared with the Claimants.</p> <p>The objection that the request improperly invokes the Respondent's limitation period defence is unfounded.</p> <p>An important element of the Respondent's limitation defence is that, prior to April 18, 2016, the Claimant's gained sufficient information to trigger the limitations period as a result of "the Boards' responses to their AIA requests" (Counter-Memorial, para 205).</p> <p>Given the significance that the Respondent places on GSI's AIA requests, it ought to produce the underlying records it relies on to support its assertion</p>	

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				<p>objection; (ii) the Claimants' response to it; (iii) or the Alberta Court Decisions.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> <p>The Claimants' NAFTA claim does not advance allegations on "whether the Respondent responded honestly and in good faith to the inquiries made by the Claimants, or whether the Respondent sought to conceal information showing the existence of losses or damages suffered by the Claimant". Rather, the Article 1110(1) claim rests on the allegation that the Alberta Court Decisions issued a compulsory licence and prohibited GSI from enforcing its intellectual</p>	<p>that sufficient information was disclosed through AIA requests to trigger the limitation period.</p> <p>In addition, as is clearly set out in Paul Einarsson's Witness Statement (paras 120-133) many of the Respondent's responses to GSI's AIA requests concealed or wrongfully refused to provide obviously responsive information, particularly about whether and what GSI intellectual property was being copied, and by whom, unless and until the Respondent was compelled to respond properly by the OIC or by Canadian domestic courts. The Respondent has a track record of being unfounded on its refusals under the ATIP process and the Respondent should produce</p>	

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				<p>property rights in domestic courts, which effectively confiscated GSI's copyright and deprived GSI of value. Meanwhile, the Article 1106(1)(f) claim alleges that the Alberta Courts "enforced" a requirement on GSI to transfer proprietary knowledge to the Boards or third parties. These claims do not engage the issues raised in the "Reasons for Request", including on Canada's good faith in responding to the Claimants' ATIP requests over the past twenty years. The fact that the Claimants included this allegation as part of their NOI for this NAFTA claim in 2018 but dropped the allegation from their NOA establishes that this request is irrelevant and</p>	<p>all OIC reports indicating that its lack of disclosure was not appropriate and the Claimants' complaints were well founded.</p> <p>The Respondent's motivations for concealing evidence of copying of GSI's intellectual property until compelled otherwise is also clearly relevant to the Respondent's "rules of the game" defence. The obvious inference to be drawn from the fact that the Respondent concealed evidence of copying until compelled to provide it is that the Respondent was concerned about the potential illegality of such copying. If all participants in the Regulatory Regime understood, prior to the Alberta Decisions, that copying of the Seismic Materials without</p>	

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				<p>immaterial to the outcome of the arbitration.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is overbroad, as it concerns all records “related to the Access to Information Act requests and responses made by the Claimants [...] and any related Office of the Information Commissioner of Canada decisions and reports”. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad as this request covers more than two decades of records. 	<p>compensation to GSI was lawful, such concealment would have been unnecessary.</p> <p>The Respondent’s characterizations in its objection of the Claimant’s claims are inaccurate, but are also irrelevant.</p> <p>The requested records are relevant to testing the Respondent’s defences, and should be produced unless the Respondent now withdraws such defences to avoid production of the documents.</p> <p>In relation to the Respondent’s objection that this request is overbroad, there were a discrete number of Access to Information requests made by GSI, at specific times, to a discrete number of governmental entities,</p>	

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				<ul style="list-style-type: none"> • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request, but rather request documents from “the Respondent or any related government agencies”. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 	primarily the Boards and NRC. The foregoing information is within the knowledge of the Respondent. The Claimants expect that each such governmental agency has specific files related to each such request where the vast majority of the responsive records are likely to be located, and it is not overly burdensome to produce such files and any additional responsive records referenced therein.	
3.	Copies of all seismic data created by GSI or its predecessors (including but not limited to GSI Delaware, Eureka, and Geophoto), or which contains labels identifying the data as having	<ul style="list-style-type: none"> • Statement of Defence, ¶¶ 36, 38. • Notice of Arbitration, ¶¶ 15, 17. 	Seismic Works in which GSI holds intellectual property rights have been submitted to the Respondent not only by GSI and its predecessors, but also by third parties, and the full scope of such submission is known	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> • <u>3(a) Claimants’ Possession, Custody or Control</u>: the Claimants request seismic data created by GSI, which are plainly in the Claimants’ possession, custody and control. The Claimants 	The Respondent’s argument that the requested records are within the Claimant’s possession custody or control is irrelevant, as the material fact in dispute is whether the requested seismic materials are in the possession of the Respondent, in what form(s) as created by the	<p>Ordered</p> <ul style="list-style-type: none"> • regarding data not submitted to Respondent by GSI • limited to the databases or

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	<p>been so created, which is in the Respondent's possession or control, whether submitted by GSI or by third parties (including but not limited to the Seismic Works set out in C-047), and including but not limited to the data marked with the following GSI data codes:</p> <p>528 – EUREKA 705-GEOPHOTO 833-PHOENIX (PHOENIX VENTURES) 838- GSI prior to 1982 G5 or G005 – GSI after 1982 NS24-</p>		<p>only to the Respondent.</p> <p>The Claimants assert that the Alberta Decisions permit the Respondent to disclose Seismic Works to third parties and permit the Respondent and such third parties to copy the Seismic Works, giving rise to breaches of the Respondent's obligations and resulting compensation pursuant to Chapter 11 of NAFTA. In order to ascertain the scope of the Respondent's potential wrongful disclosure and any resulting damages, it is necessary for the</p>	<p>have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.</p> <ul style="list-style-type: none"> • <u>1(e) Third Party Conduct</u>: the Claimants fail to explain how seismic data created by third parties – including Eureka, Geophoto, Phoenix (Phoenix Ventures), Hunt Oil Sydney Basin 2005, Corridor Resources West Cape Bretton 2003 Western – is relevant and material to the NAFTA claim. <p>The Claimants have not provided any evidence that such companies are the predecessors to the Claimants or that the Claimants have authority to request seismic</p>	<p>Respondent after receiving a copy of the materials.</p> <p>The Respondent's objection that is related to "Third Party Conduct" has no merit. The Claimants need not prove that the referenced parties are its predecessors at the documentary production stage – the Claimants' assertions in this regard are sufficient to put the matter in issue. Further, the Respondent has adduced no evidence to the contrary.</p> <p>Further, and in any event, the Respondent has adduced no evidence or support for the proposition that the Claimants require any authority to request such seismic materials. The Respondent's position in this arbitration is that GSI need not consent when third parties seek to access and</p>	<p>collections maintained by the Boards or the NRC</p>

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	H033-001P – Hunt Oil Sydney Basin 2005 NS24-C137-001PCorridor Resources West Cape Breton 2003 9229-W27-001P and 002P Western		Respondent to identify which Seismic Works the Respondent possesses and may therefore have disclosed.	<p>information carried out by such third parties.</p> <ul style="list-style-type: none"> • <u>3(b) Publicly-Available Information</u>: the request seeks information that is publicly available and accessible to the Claimants through the Boards’ websites or premises. • <u>1(a) Requests Concerning the Regulatory Regime</u>: the “Reasons for Request” – “to ascertain the scope of the Respondent’s potential wrongful disclosure and any resulting damages” – concern allegations the Claimants have not advanced in the arbitration, but rather their attempt to challenge the Regulatory Regime, which is not at issue before the Tribunal. 	copy seismic material which GSI owns, but which is in the Respondent’s possession. In this objection, the Respondent takes the completely contradictory position that GSI must prove that third parties have consented or authorized GSI to request seismic materials submitted by third parties. The Respondent’s Third Party Conduct objection is further contradicted by another of the Respondent’s own objections – if the materials are publicly available as the Respondent argues, then the Respondent cannot assert that the Claimants must prove that any third parties are GSI’s predecessors or have otherwise authorized the Claimants to request these records, since they are already public.	

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				<ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[c]opies of all seismic data created by GSI or its predecessors”. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific 	<p>As noted above in General Response 4, the ability to perform public searches for records is irrelevant, as such searches have not previously been completed because the documents were not required prior to the within proceedings.</p> <p>The documents are not currently in the possession, custody or control of the Claimants and are within the possession, custody or control of the Respondent and, as such, ought to be produced by the Respondent.</p> <p>Further, as explained in detail in General Response 4 above, it is not possible for the Claimants to use publicly accessible websites or to request physical copies of records where the existence and identity of such records has been</p>	

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				category of relevant and material documents.	obfuscated by the Respondent's processes and is thus unknown to the Claimants. The public search processes referred to by the Respondent do not allow for a member of the public to request or identify all records which are labelled in a specific manner, and thus cannot be used to obtain the information sought in this request. For instance, the process does not provide for a search based upon the side label to the seismic section indicating that "GSI" created the data, although the GSI Seismic Works do indicate that. Only the Respondent can perform such a search. The Respondent's objection that the requests concern the Regulatory Regime is rooted in a basic	

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					<p>misunderstanding or mischaracterization of the nature of the Claimants' claim. The scope of the Respondent's potential disclosure of GSI's copyright materials is relevant to the extent to which the Alberta Decisions destroyed GSI's business.</p> <p>The Alberta Decisions would have had the effect of confiscating GSI's copyright in the seismic materials even in the absence of the Respondent's disclosure and corresponding copying of its copyright materials. However, the basis of the Claimant's claim for compensation is that the Respondent's discretionary decision to broadly, persistently, and aggressively disclose GSI's</p>	

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					<p>copyright materials, combined with the confiscation of the copyright as a result of the Alberta Decisions, destroyed GSI's ability to generate value from its seismic materials on a go forward basis and thus destroyed its business. The scope of the Respondent's potential disclosure of GSI's copyright material is relevant to the demand for GSI's seismic materials in the marketplace, and is thus relevant to what GSI's enterprise value would have been but for the Alberta Decisions.</p> <p>The scope of disclosure is necessarily impacted by the extent to which GSI's seismic material is in the Respondent's possession, including material that was</p>	

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					<p>not directly submitted by GSI.</p> <p>In relation to the Respondent's objection that the request is overbroad, the request provides clear and narrow guidance as the parameters of the search – all seismic data which is labelled as having been created by GSI or its predecessors, or that the Respondent otherwise understands to have been so created.</p> <p>Specific examples of responsive predecessors and labels are provided.</p> <p>Such data is only likely to be held at a discrete number of governmental entities, primarily in databases or collections maintained by the Boards or the NRC. To the extent that a large volume of documents are</p>	

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					<p>responsive to the request, that supports the fact that this was a large scale expropriation by the Respondent, but the Respondent cannot use that fact as a shield to proper disclosure requests as the expropriation was the Respondent's own making.</p> <p>The time period of the request is not overbroad as it only seeks data that is currently in the possession, custody and control of the Respondent, regardless of when such data was created or came into the Respondent's possession. As admitted by the Respondent, it already has access to databases or collections which are maintained and structured to permit searching and copying of seismic data which has been collected by</p>	

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					the Respondent over many decades. As such, the request does not require the Respondent to search through historical records, but rather only through its current databases and collections.	
4.	All records related to disclosures to third parties by the Respondent of any of the Seismic Works referred to in Request #3 above, including the date of disclosure, the format of data disclosed, the specific data lines disclosed, the identity of the recipient of the data, and any evidence of	<ul style="list-style-type: none"> Notice of Arbitration, ¶¶ 15, 17. Counter Memorial, ¶¶ 438-439. 	The Respondent asserts that the Claimants have failed to prove their damages because they “filed no evidence of the specific seismic materials accessed from the Boards” or regarding “the timing of such access” (Counter-Memorial, ¶ 438). As such, the Respondent has admitted that the requested information is relevant and material.	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, as they received information on the disclosure of GSI’s seismic materials pursuant to GSI’s ATIP requests and the Federal Court of Canada’s ruling on April 25, 2003 (<i>GSI v. C-NL Offshore Petroleum</i>, 2003 FCT 507). Such records are 	The Respondent’s objection that the requested records are already in the Claimant’s possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests and a Federal Court of Canada ruling. This bare assertion is unsupported by any evidence or reasoning, and the Respondent does not even identify which ATIP responses it asserts are responsive to this request.	<p>Ordered</p> <ul style="list-style-type: none"> to the extent not contained in Exhibit C-111 limited to the records as they currently exist. For the avoidance of doubt, Respondent is not required to create any documents, collations of

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	copying by the data recipient.		<p>However, the requested information is not within the knowledge, possession or control of the Claimants and is within the exclusive knowledge, possession or control of the Respondent, and as such must be disclosed.</p> <p>Similarly, the Respondent asserts that “many of the seismic materials were accessed by the public well before the Alberta Decisions (and even before NAFTA came into force in 1994)” (Counter-Memorial, ¶ 439).</p>	<p>plainly already in the possession of the Claimants (see e.g., Exhibit C-111). The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.</p> <ul style="list-style-type: none"> • <u>1(a) Requests Concerning the Regulatory Regime:</u> the Claimants fail to explain why information concerning the timing of all disclosures of the referenced Seismic Data is relevant to the allegations or claims that the Claimants have advanced in the arbitration. Instead, the request plainly concerns the Claimants’ improper 	<p>While the Claimants have obtained some information through ATIP processes, as noted above in General Response #3, the responses that GSI has received have typically been inconsistent and incomplete. The Claimants have been unable to identify any ATIP responses, or any combination thereof, which provides the information requested in this request in full.</p> <p>In its objection, the Respondent appears to represent to the Claimants and the Tribunal that the disclosures listed by the Claimant in Exhibit C-111 are in fact a full listing of all disclosures to third parties by the Respondent of any of the Seismic</p>	information or summaries ²

² This condition applies to each of Claimants’ requests as stated in PO 2 para.11 and will not be repeated regarding the other requests ruled upon in this schedule.

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			<p>However, the Respondent provides no evidentiary support for this assertion, which it asserts is relevant to its defence of the Claimants' damages claim. Again, information concerning the timing of all disclosures of the referenced Seismic Data is within the exclusive knowledge, possession or control of the Respondent, and as such must be disclosed by the Respondent.</p>	<p>attempt to challenge the Regulatory Regime.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[a]ll records related to disclosures to third parties [...] of any of the Seismic Works referred to in Request #3”. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department 	<p>Works referred to in Request #3. In light of the Respondent's refusal to produce the records necessary to test the assertion that Exhibit C-111 is a complete listing of disclosures, this representation should be given no weight. Further, on its face, Exhibit C-111 is based on ATIP requests made years if not decades ago,³ and is therefore plainly outdated. Further, Exhibit C-111 does not contain categories of information sought in this request, including the format of the requested data, and any evidence of copying of the data by the recipient.</p> <p>The Respondent's objection regarding Requests</p>	

³ See heading “Date of AIA Letter” on Exhibit C-111.

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.</p>	<p>Concerning the Regulatory Regime is based on the misunderstanding or mischaracterization of the Claimant's claim that is discussed in detail in Response 3 above. The Claimants do not “challenge the Regulatory Regime” in this proceeding, but the scope of the Respondent’s disclosure of GSI’s copyright materials under the Regulatory Regime is relevant to the market demand for GSI copyright materials and to the extent to which the Alberta Decisions destroyed GSI’s business. This information is relevant to ascertaining the compensation to which the Claimants are entitled to under Chapter 11 of NAFTA.</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					<p>The Respondent's objections regarding this request being overbroad are baseless. The request seeks narrow categories of information regarding the Respondent's disclosure – the date, format, and specific data lines disclosed, the identity of the recipient, and any evidence of copying. The time period of the request is necessarily limited to the time period after the Respondent obtained the data, but the Claimants cannot provide more specific dates as knowledge of when data was disclosed is only known by the Respondent. The extent of such disclosure, if voluminous, just speaks to the large-scale expropriation undertaken by the Respondent. Such data is only likely to be</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					held at a discrete number of governmental entities, most likely the Boards and NRC.	
5.	<p>All records related to submission to, acceptance by, and disclosure by, the Respondent of “Secondary Submissions” (as that term is defined, ¶ 126 of the Paul Einarsson Witness Statement), including seismic data:</p> <ul style="list-style-type: none"> created by GSI or its predecessors; or derived from data created by GSI or its predecessors, or labeled as being property of GSI; 	<p>Statement of Defence, ¶¶ 36, 38.</p> <ul style="list-style-type: none"> Notice of Arbitration, ¶ 18. Claimants’ Memorial, ¶¶ 70-71, 110, 166, 388, and 413. Counter-Memorial, ¶ 302. RWS-02, Bennett Witness Statement, ¶ 53. RWS-01, Dixit Witness 	<p>The Respondent has asserted a defence that it has not disclosed “more valuable underlying digital data and materials that are of primary interest to hydrocarbon exploration companies,” and as a result, the Claimants have not suffered damages as a result of the Respondent’s disclosure of GSI’s intellectual property.</p> <p>Messrs. Bennett, Dixit, and Makrides admit that Secondary Submissions can and do occur in exchange for allowable expenditure credits,</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(e) Third-Party Conduct:</u> The request concerns the conduct of third parties, which is not related to the Claimants’ claim. The requested records “related to submission to, acceptance by, and disclosure by, the Respondent of “Secondary Submissions” [...] submitted by third parties” are not relevant and material to the outcome of the arbitration. <u>1(a) Requests Concerning the Regulatory Regime:</u> the request does not relate to the Claimants’ 	<p>The Respondent’s objections regarding Third Party Conduct and the Regulatory Regime are unfounded. The request is not concerned with the conduct of third parties or with challenging the Regulatory Regime, but rather relates to testing the Respondent’s assertion that “more valuable underlying digital data and materials that are of primary interest to hydrocarbon exploration companies” have not been disclosed by the Respondent.</p> <p>The Secondary Submission issue concerns the Respondent’s conduct in terms of:</p>	Ordered

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	<p>that was submitted by third parties in relation to allowable expenditure credits, including but not limited to:</p> <ul style="list-style-type: none"> a list of all such “Secondary Submissions,” which specifies the specific data submitted, the format of the data submitted, the submitting party, and the value of any allowable expenditure credits associated with each submission; all correspondence with submitters 	<p>Statement, ¶ 51.</p> <ul style="list-style-type: none"> RWS-03, Makrides Witness Statement, ¶ 53. 	<p>but fail to provide any specific information about the Secondary Submissions that have occurred, or about any related allowable expenditure credits granted to submitters.</p> <p>The Claimants assert that Secondary Submissions typically include the “more valuable underlying digital data” that the Respondent asserts is not disclosed (Statement of Defence, ¶ 36).</p> <p>The requested information is necessary to test the Respondents assertion that “more valuable underlying digital data and materials that are of primary interest to</p>	<p>purported challenge to the Alberta Court Decisions. Instead, it plainly relates to the Regulatory Regime, which is not being challenged by the Claimants. The value of the allowable expenditure credits to third parties associated with any Secondary Submissions bears no relation to allegations or claims that the Claimants have advanced in the arbitration.</p> <ul style="list-style-type: none"> <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[a]ll records related to submission to, acceptance by, and disclosure by, the Respondent of “Secondary Submissions””. The Claimants should, and are 	<ul style="list-style-type: none"> incentivizing third parties to submit copyright material owned by GSI to the Respondent, without GSI’s consent or knowledge, in formats which were reprocessed or otherwise more valuable than the GSI copyright material that the Boards already had in their possession; and disclosing that more valuable copyright material to third parties without GSI’s consent and without compensating GSI. <p>The Respondent’s conduct in this regard would not be lawful under Canadian copyright law, absent the Alberta Decisions. However, because of the effect of the Alberta Decisions on GSI’s</p>	

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	<p>related to Secondary Submissions, including whether the submitter indicated ownership or license of the submitted data;</p> <ul style="list-style-type: none"> correspondence regarding any allowable expenditure credit applications that have been made and/or granted in relation to the Secondary Submissions; and any records related to any 		<p>hydrocarbon exploration companies” are not disclosed.</p> <p>In addition, the value of the allowable expenditure credits associated with any Secondary Submissions is related to the value previously ascribed by the Respondent to the underlying Seismic Works. As such, the requested information is related to the quantum of potential damages caused by the Respondent’s conduct.</p>	<p>fully capable of, identifying which GSI seismic materials have been publicly released by the Boards through the alleged Secondary Submissions process, by reviewing the publicly available seismic materials from the Boards, identifying which material they allege was released in violation of their third-party license agreements and then making specifically targeted requests based on that publicly available information. The Claimants have not even attempted to identify who their specific licensees are and identify a single instance of such disclosures and have only made vague and general</p>	<p>intellectual property rights, the GSI Seismic Works that the Respondent possesses, regardless of who submitted it and what format it is in, is freely distributable by the Respondent, without compensation to GSI. To the extent that the Respondent is accepting and then disclosing Secondary Submissions, it undermines the Respondent’s assertions that the Alberta Decisions did not destroy GSI’s business because it could still “reprocess data” and “licence the reprocessed data, thereby deriving further value from its seismic data”,⁴ since those reprocessed versions that were licensed to customers have now been provided to</p>	

⁴ Counter-Memorial, para 299.

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	disclosures to third parties of data or information by way of Secondary Submissions.			<p>statements. In the absence of further information on the Claimants' licenses and instances of disclosure, the Respondent is unable to identify and carry out a search for the requested documents. The Claimants also fail to request narrow, specific, relevant and material documents. Finally, the Claimants refer to "Secondary Submission" (as that term is defined, ¶ 126 of the Paul Einarsson Witness Statement)" in their request. This definition reads: "GSI learned of a general practice where the Boards paid GSI's licensees (through allowable expenditure credit applications and otherwise) to submit Seismic Works to the</p>	<p>the Respondent and are disclosed by it, without legal impediment. The extent to which the Alberta Decisions have enabled disclosures has destroyed GSI's reprocessing business by destroying its ability to enforce copyright over reprocessed materials. That is clearly material to the Claimants' damages claim.</p> <p>Similarly, information regarding the expenditure credits paid by the Respondent to third parties in relation to Secondary Submissions is clearly relevant to ascertaining the demand for GSI's seismic materials and the value that such materials would have to GSI absent the Alberta Decisions.</p> <p>Further, every time the Respondent accepts and then subsequently discloses</p>	

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				<p>Boards that licensees only licensed from GSI (“Secondary Submissions”). As framed, the definition is so overly-broad, vague and unclear that it could potentially capture a vast amount of irrelevant materials. The production of such documents would be unreasonably burdensome for Canada.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited 	<p>Secondary Submissions, the Alberta Decisions mean that GSI effectively loses the ability to enforce copyright protection over copyright materials which it has never been required to submit to the Respondent under the Regulatory Regime. This outcome contradicts, and is clearly material to, the Respondent’s “rules of the game” arguments.</p> <p>Regarding the Respondent’s objections that the request is overbroad, as noted in General Response #4 above, the Claimants cannot use the publicly available search processes to request documents that it does not know exist, or that it does not know how to identify, because the seismic materials have been</p>	

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				<p>to a narrow and specific category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI’s domestic litigation proceedings, and/or pursuant to GSI’s ATIP requests. As acknowledged by the Claimants, they received such information pursuant to GSI’s ATIP requests (see e.g., Claimants’ Memorial, ¶ 70). The Claimants have not alleged or established that it would be unreasonably burdensome for them to 	<p>renamed as being owned by third parties and given distinct program numbers. As noted above in relation to Request 3, GSI’s copyright material can generally be identified as it is labelled as such.</p> <p>However the publicly available search processes do not permit members of the public to search or request all documents with a given label. Only the Respondent can conduct this type of search, and after Secondary Submissions of GSI copyright materials submitted by third parties are identified, produce the remainder of the narrow categories of requested documents such as correspondence.</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>rely on their own copies of these documents.</p>	<p>The Respondent's objection regarding overbroad time period is unfounded.</p> <p>The time period of the request is necessarily limited to the time period after the Respondent obtained the referenced data, but the Claimants cannot provide more specific dates as knowledge of when Secondary Submissions were accepted by the Respondent and then disclosed is only known to the Respondent and the third parties that participated in the Secondary Submissions process. Responsive information is only likely to be held at a discrete number of governmental entities, most likely the Boards and NRC.</p> <p>The Respondent's bare assertion that the requested</p>	

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					<p>information is already in the Claimants' possession is factually inaccurate. While the Claimants have obtained some limited information sufficient to show that the Respondent has engaged in this conduct in certain instances, the Respondent has gone to great lengths to shield information that would allow the Claimants to ascertain the scope of the Respondent's conduct in this regard, including by objecting to or refusing such information when responding to ATIP requests. The Respondent has not identified any responsive information that it has already produced through domestic litigation or ATIP requests, but to the extent that it does specifically identify such</p>	

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					information, it should be provided in this Arbitration.	
6.	A summary of hydrocarbon royalties collected by the Respondent from hydrocarbon production from any offshore areas within 25 kilometers of the offshore areas which GSI's Seismic Works cover, as shown on the seismic line maps attached hereto as Appendix "A".	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 36, 38. Claimants' Memorial, ¶ 388. 	<p>The royalties collected by the Respondent from areas which GSI's Seismic Works cover or relate to is relevant to damages, as it can assist in valuation of, and the potential market for, GSI's Seismic Works.</p> <p>The Claimants' Article 1106(1)(f) Claim includes that the Alberta Decisions enforce a requirement for GSI to transfer its proprietary knowledge in its Seismic Works to third parties without compensation to support and expand the development of the offshore Canadian</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> the request for information on hydrocarbon royalties bears no relation to the Alberta Court Decisions and does not relate to the allegations or claims that the Claimants have advanced in the arbitration. <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> The Claimants' NAFTA claim does not advance allegations on "[t]he extent to which the Respondent has earned 	<p>The request is not related to the Regulatory Regime, but as explained in the Reasons for Request, relates to the Claimants':</p> <ul style="list-style-type: none"> Article 1106(1)(f) Claim, as such royalties are material to establishing the purpose for which the performance requirement has been imposed; <p>And</p> <ul style="list-style-type: none"> Article 1110 Claim, as such royalties are material to establishing the alleged public purpose for which the expropriation occurred and the related compensation. 	<p>Ordered</p> <ul style="list-style-type: none"> limited to the royalty information as it currently exists in Respondent's records as set out in para 11 of PO 2

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			<p>oil and gas industry and the associated production royalty entitlements of the Respondent. The extent to which the Respondent has earned royalties as a result of the transfer of GSI's proprietary knowledge is relevant to a necessary element of this Claim, namely the purpose for which the performance requirement has been imposed.</p>	<p>royalties as a result of the transfer of GSI's proprietary knowledge". The kind of royalties Canada received from offshore oil projects have no connection to the Claimants' damages claim or seismic data generally. Mr. Sharp has made no mention of royalties in his report as having any relevance to the Claimants' damages claim.</p> <p>Payment of royalties are not based on any criteria or have any other connection to seismic data under any relevant legislation or regulations and the Claimants have failed to establish otherwise. Thus, the request is irrelevant and immaterial to the outcome of the arbitration.</p>	<p>The fact that no analysis of royalties has been included in the Claimants' damages assessment thus far is reflective of the fact that the Claimants do not have access to this information.</p> <p>The request is not overbroad. Only certain governmental entities are likely to have collected royalties, and only for a discrete period of time. While the Claimants would accept a summary of the royalties, the Respondent need not create one if one does not already exist.</p> <p>The Respondent could disclose the underlying source information, with redactions if necessary. For instance, royalties</p>	

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				<ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[a] summary of hydrocarbon royalties [...] from any offshore areas within 25 kilometers of the offshore areas which GSI’s Seismic Works cover”. The request requires Canada to undertake the immense burden of creating documents on behalf of the Claimants with no understandable criteria. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. 	based upon Production License number with locations for the Production Licenses would enable the Claimants to discern the royalties collected from areas in which the GSI Seismic Works are located.	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<ul style="list-style-type: none"> • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 		
7.	All correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's	<ul style="list-style-type: none"> • Statement of Defence, ¶¶ 3, 10, 12, 33, 35. • Counter-Memorial, ¶ 207. 	The Respondent alleges that the Claimants “knew the rules” and “made their investments on the basis of” and “voluntarily participated in a pre-existing” regulatory regime that “permitted the disclosure, including access and copying, of certain seismic materials to the public	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> • <u>1(a) Request Concerning the Regulatory Regime</u>: the request does not concern the Alberta Court Decisions, but plainly relates to the Claimants’ improper attempt to challenge the Regulatory Regime. The Claimants fail to explain how Canada’s knowledge and understanding of “GSI’s 	As explained above in General Responses 1 and 5, the Claimants’ historical state of mind regarding the Respondent’s submission, public disclosure, use and copying of seismic data is plainly relevant to the Respondent’s argument that the Claimants “knew the rules” and “voluntarily participated in a preexisting” regulatory regime that “permitted the disclosure, including access	<p>Ordered</p> <ul style="list-style-type: none"> • to the extent not addressed to or received from Claimants or marked as copied to Claimants • and limited to the locations identified in Claimants’ Response <i>in</i>

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	control or possession referencing or relating to the knowledge, understandings or positions of GSI or its predecessors regarding the submission, public disclosure, use and copying of seismic data by the Respondent in the period between 1986 and November 30, 2017.		<p>after the expiration of the applicable confidentiality period” (Statement of Defence, ¶ 12).</p> <p>The Claimants deny the Respondent’s assertions regarding the Claimants’ knowledge or understandings regarding the regulatory regime, (without waiving legal privilege). Further, the Claimants dispute that the Respondent understood or believed that the Claimants understood the regulatory regime in the manner now asserted by the Respondent.</p> <p>Disclosure of the requested documents</p>	<p>understanding of the regulatory regime” (emphasis added) from 1986 to 2017 relates to the claim regarding the Alberta Court Decisions. The Tribunal is not seized with this issue.</p> <ul style="list-style-type: none"> • <u>1(b) Stated Reasons Improperly Invoke Canada’s Limitation Period Objection</u>: the Claimants invoke Canada’s limitation period objection in the “Reasons for Request” without explaining how the requested documents are relevant to (i) the limitation period objection; (ii) the Claimants’ response to it; (iii) or the Alberta Court Decisions. • <u>1(c) Stated Reasons Are Irrelevant and Immaterial</u> 	<p>and copying, of certain seismic materials to the public after the expiration of the applicable confidentiality period.” To the extent that the Respondent has records regarding whether the Claimants had the state of mind asserted by the Respondent, such records are relevant to testing the Respondent’s assertions.</p> <p>Unless the Respondent withdraws its assertions regarding the Claimants’ state of mind, it must produce any records which are material to testing such assertions.</p> <p>As explained above in General Responses 1 and 5, and in the Claimants response to Request 2, the Respondent has asserted that the Claimants knew as far back as when they made</p>	<p><i>fine</i> (i.e.. the Boards, NRC and the Geological Survey of Canada) and any other governmental entities referred to in the responsive records of these named entities</p>

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			<p>is necessary to test the Respondent's assertions regarding the knowledge and understanding of both the Claimants and the Respondent regarding GSI's understanding of the regulatory regime.</p> <p>The Respondent alleges that the Claimants "first acquired knowledge of the Regulatory Regime and any resulting loss or damage more than three years prior to the submission of their claim to arbitration" (Canada's Counter-Memorial, ¶207).</p> <p>The Claimants submit that the requested</p>	<p><u>to the Claimants' Arguments:</u></p> <p>the Claimants' "Reasons for Request" concern allegations that the Claimants have not advanced in the arbitration. Their NAFTA claim does not concern "whether the Respondent responded honestly and in good faith to inquiries and concerns raised by the Claimants regarding the disclosure, use and copying of the GSI's seismic data, or sought to conceal that information".</p> <p>These issues are irrelevant and immaterial to the Claimants' challenge to the Alberta Court Decisions under NAFTA Articles 1110(1) and 1106(1)(f). Furthermore, Canada's knowledge and understanding of the</p>	<p>their initial investments in Canada that GSI's copyright in any seismic materials created under the Regulatory Regime would effectively be confiscated by the Respondent. This assertion is a lynchpin of the Respondent's limitations defence and its defence on the merits regarding the Claimants' reasonable, investment backed expectations. Based on the arguments already filed, the Respondent's assertions in this regard are clearly denied by the Claimants, and in order for the Claimants and the Tribunal to test the Respondent's assertions, it is necessary for the Respondent to produce evidence in its possession, custody and control that is material to the issue.</p>	

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			<p>materials are relevant to whether the Respondent responded honestly and in good faith to inquiries and concerns raised by the Claimants regarding the disclosure, use and copying of the GSI's seismic data, or sought to conceal that information.</p> <p>This question is relevant to testing the Respondent's limitations arguments and its position that the Regulatory Regime is the true source of the Claimants' claim.</p>	<p>Claimants' understanding is irrelevant and immaterial to the claims advanced.</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the Claimants assert that they "deny the Respondent's assertions regarding the Claimants' knowledge or understandings regarding the regulatory regime." Where the Claimants disagree with Canada's interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions. • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns "[a]ll correspondence, internal memoranda, briefing 	<p>Regarding the Respondent's objection that the request is overbroad, the breadth of the requests is caused the vague, unsupported and broad nature of the Respondent's assertions regarding the Claimants' state of mind, which assertions apply to the 30 year time period which are the subject of the request.</p> <p>The request seeks specific and discrete categories of documents which appear to the Claimants to be likely to have information regarding the Respondent's understanding of the Claimants' state of mind (namely, correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning</p>	

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				<p>notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations [...] referencing or relating to the knowledge, understandings or positions of GSI regarding the submission, public disclosure, use and copying of seismic data”. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the 30-year time period proposed in the request is significantly overbroad; and the Claimants fail to explain how it is appropriate. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of 	<p>documents, analyses, or presentations). If the Respondent is not able to adduce any such documentary evidence regarding the Claimants’ asserted state of mind, this would also be a relevant to testing the Claimants’ assertions.</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards, NRC and the Geological Survey of Canada, although additional records may be located in other governmental entities referred to in the responsive records of these entities.</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>3(a) Claimants' Possession, Custody or Control</u>: the requested material is in the Claimants' possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI's domestic litigation proceedings, and/or pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. 		

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
8.	All correspondence, legal opinions (excepting legal opinions specifically created for the purpose of the legal proceedings culminating in the Alberta Decisions), internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations created prior to the Alberta Decisions within the Respondent's control or possession	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 33-35. Counter-Memorial, ¶¶ 3,4, 79-82, 101-102, 326, and 333. 	<p>The Respondent alleges that, at all material times, the Claimants “knew the rules”, “made their investments on the basis of”, and “voluntarily participated in”, a Regulatory Regime that “permitted the disclosure, including access and copying” of the Seismic Works “without payment of a license fee to GSI” (Statement of Defence, ¶ 12).</p> <p>The Respondent also alleges that the alleged “rules” permitting public disclosure and copying of the Claimants’ intellectual property were “clearly</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants’ Arguments:</u> <p>The request is irrelevant and immaterial to the outcome of this arbitration. The Claimants fail to demonstrate how “the knowledge, understanding and state of mind of the Respondent regarding the effect of the Regulatory Regime on intellectual property rights in the Seismic Works prior to the Alberta Decisions” relates to the Claimants’ challenge to the Alberta Court Decisions. In fact, documents created “prior to the Alberta Court Decisions” are not</p>	<p>As explained above in General Responses 1 and 5, and in the Claimants’ response to Requests 2 and 7, the Respondent’s state of mind regarding intellectual property rights in GSI’s seismic materials prior to the Alberta Decisions is highly material to the “rules of the game” argument that is a central premise of the Respondent’s defence. The Respondent cannot seriously assert that the Claimants knew or ought to have known of the “rules of the game” imposed by the Respondent under the Regulatory Regime without first establishing that the Respondent knew what these rules were and treated them consistently in their dealings with the Claimants. The obvious inference to be drawn from the Respondent’s refusal to</p>	<p>Ordered</p> <ul style="list-style-type: none"> to the extent not addressed to or received from Claimants or marked as copied to Claimants excluding legal opinions from the locations identified in Claimants’ Response <i>in fine</i> (i.e. the Boards, NRC and the Geological Survey of Canada) and any other governmental entities referred to in

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
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	referencing or relating to intellectual property in GSI's seismic data.		<p>established” “longstanding” and had “for decades” been published in “guidelines, interpretive notes and catalogues” by the Boards (Counter-Memorial, ¶¶ 326 and 333.)</p> <p>The Claimants deny that until the Alberta Decisions were finally determined, either they or the Respondent knew that the effect of the Regulatory Regime on GSI's intellectual property rights was such that it “permitted the disclosure, including access and copying” of the Seismic Works without payment of a license fee or any</p>	<p>relevant because the Claimants have alleged that only the Decisions themselves are the breach of NAFTA. Therefore, “the knowledge, understanding and state of mind of the Respondent” under the Regulatory Regime is irrelevant and outside the scope of this arbitration. As the Claimants themselves noted in their reasons for request, the Alberta Court Decisions were clear “that the effect of the Regulatory Regime on GSI's intellectual property rights was such that it “permitted the disclosure, including access and copying” of the Seismic Works without payment of a license fee or any other form of compensation.” The Respondent's “state</p>	<p>provide any internal records regarding its own understanding of the “rules” prior to the Alberta Decisions is that the Respondent's own internal records contradict the Respondent's “rules of the game” arguments.</p> <p>Regarding the respondent's objection that the request is overbroad, the breadth of the requests is caused by the vague, unsupported and broad nature of the Respondent's assertions regarding the “rules of the game”, including that “rules” permitting public disclosure and copying of the Claimants' intellectual property were “clearly established” and known to participants in the Regulatory Regime (which would necessarily include the Respondent) “for</p>	<p>the responsive records of these named entities</p>

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			<p>other form of compensation.</p> <p>Disclosure of the requested documents is necessary to test the Respondent's assertions regarding the knowledge, understanding and state of mind of the Respondent regarding the effect of the Regulatory Regime on intellectual property rights in the Seismic Works prior to the Alberta Decisions.</p>	<p>of mind" is irrelevant to the Claimants' claim, and the Tribunal is not seized with this issue. (By contrast, the Claimants' knowledge of the disclosure rules under the Regulatory Regime and uncertainty over GSI's copyright in the Submitted Seismic Data relate to, among other things, their failure to establish under Article 1110 that the challenged measure interfered with any distinct, reasonable investment-backed expectations.)</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns "[a]ll correspondence, legal opinions [...], internal memoranda, briefing 	<p>decades" (Counter-Memorial, ¶¶ 326 and 333).</p> <p>The Respondent's own assertions are what put its own state of mind at issue over the 30 year time period which is the subject of the request.</p> <p>As discussed in General Response 5, the Claimants have not identified documents, which were either posted publicly or sent directly to the Claimants, which indicate that prior to the Alberta Decisions, the Respondent had the understanding of the "rules of the game" which it now asserts was common knowledge to all participants in the Regulatory Regime. The Claimants have specifically requested production of correspondence and legal opinions because these</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations [...] referencing or relating to intellectual property in GSI’s seismic data”. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific 	<p>categories of documents are included or referenced within these documents, such that these categories of documents are reasonably likely to contain responsive information.</p> <p>The other specific and discrete categories of documents requested (internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) appear to the Claimants to be reasonably likely to have information regarding the Respondent’s state of mind and understanding of the “rules of the game” prior to the Alberta Decisions. The Claimants expect that such internal documents are reasonably likely to have</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>4(b) Legal Advice</u>: the Claimants’ request for “legal opinions” is blatantly impermissible. Solicitor-client privileged material is exempted by ¶ 14.8 of PO 1 and Articles 9.2(b) and 9.4 of the 2020 IBA Rules. • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI’s domestic litigation proceedings, and/or pursuant to GSI’s 	<p>been generated by the Respondent to document its state of mind or develop its positions regarding intellectual property rights in seismic data which had been submitted to the Respondent pursuant to the Regulatory Regime, including for example, when developing the liability waivers and public notices which are inconsistent with the alleged “rules of the game” now asserted by the Respondent.⁵</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards, NRC and the Geological Survey of</p>	

⁵ **R-294**, NEB, “Liability Agreement –Borrowed Materials”, effective to 2003; **R-295**, NEB, “Liability Agreement –Borrowed Materials”, effective 2003-2006; **R-296**, NEB, “Liability Agreement –Borrowed Materials”, effective after 2006; **R-297**, National Energy Board, Frontier Information Office Sign, current as of 2011; **R-245**, Canada-Newfoundland and Labrador Offshore Petroleum Board, “Disclosure Agreement –Information; Requests”, 6 December 2002.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.</p>	<p>Canada, although additional records may be located in other governmental entities referred to in the responsive records of these entities.</p> <p>As discussed in General Response 8, the Respondent's Legal Advice objection has no merit as it has waived privilege over the requested legal opinions.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests or through domestic litigation proceedings. This bare assertion is unsupported by any evidence or reasoning,</p>	

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					and the Respondent does not even identify which ATIP responses or documents produced in domestic litigation it asserts are responsive to this request. The Tribunal should not give the Respondent's bare assertion in this regard any weight. While the Claimants have obtained some limited information through these processes, the only records that the Claimants currently have responsive to this request are the specific documents discussed in General Response 5 above, which were either posted publicly or sent directly to the Claimants.	
9.	All correspondence, internal memoranda, legal opinions (excepting	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 10-12, 18, 20-21, 33-35, 37. 	The Respondent alleges that, at all material times, the Claimants “knew the rules”, “made their	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial</u> 	In response to this objection, the Claimants rely on their response to the substantively identical	Ordered <ul style="list-style-type: none"> to the extent not addressed to or received from Claimants

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	legal opinions specifically created for the purpose of the legal proceedings culminating in the Alberta Decisions), briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's control or possession referencing or relating to its understanding of how intellectual property rights would be effected by the CPRA, or relating to the	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 3,4, 79-82, 101-102, 326, and 333. 	<p>investments on the basis of", and "voluntarily participated in", a Regulatory Regime that "permitted the disclosure, including access and copying" of the Seismic Works "without payment of a license fee to GSI" (Statement of Defence, ¶¶ 8-12).</p> <p>The Respondent also alleges that the alleged "rules" permitting public disclosure and copying of its intellectual property were "stable," "clearly established," "longstanding," and had "for decades" been published in "guidelines, interpretive notes and</p>	<p><u>to the Claimants' Arguments:</u></p> <p>the request is Irrelevant and immaterial to the outcome of this arbitration. The Claimants fail to demonstrate how "the knowledge, understanding and state of mind of the Respondent regarding the effect of the Regulatory Regime on intellectual property rights in the Seismic Works" relate to the Claimants' challenge to the Alberta Court Decisions. The Respondent's "state of mind" is irrelevant to the Claimants' claim, and the Tribunal is not seized with this issue.</p> <ul style="list-style-type: none"> <u>2(a) Overbroad Subject and Scope:</u> the scope of the request is overbroad, as it concerns, "[a]ll 	objections regarding Request 8.	<p>or marked as copied to Claimants</p> <ul style="list-style-type: none"> excluding legal opinions from the locations identified in Claimants' Response <i>in fine</i> (i.e. the Boards, NRC and the Geological Survey of Canada) and any other governmental entities referred to in the responsive records of these named entities.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	application of the <i>Copyright Act</i> to seismic data.		<p>catalogues” by the Boards. (Counter-Memorial, ¶¶ 326 and 333.)</p> <p>The Claimants deny that either they or the Respondent knew that the <i>CPRA</i> “permitted the disclosure, including access and copying” of the Seismic Works without payment of a license fee, until the Alberta Decisions were finally determined (Claimants’ Memorial, ¶¶ 56-59).</p> <p>Disclosure of the requested documents is necessary to test the Respondent’s assertions regarding the knowledge, understanding and state of mind of the</p>	<p>correspondence, legal opinions [...], internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations [...] referencing or relating to its understanding of how intellectual property rights would be effected by the <i>CPRA</i>, or relating to the application of the <i>Copyright Act</i> to seismic data”. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: 		

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			Respondent regarding the effect of the Regulatory Regime on intellectual property rights in the Seismic Works.	<p>the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>4(b) Legal Advice</u>: the Claimants’ request for “legal opinions” is blatantly impermissible. Solicitor-client privileged material is exempted by ¶ 14.8 of PO 1 and Articles 9.2(b) and 9.4 of the 2020 IBA Rules. • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, as they received such information including as documents 		

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				that formed part of the Common Issues Trial/GSI's domestic litigation proceedings, and/or pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.		
10.	All records of consultations and communications with the Claimants or their predecessors relating to the requirements imposed by the CPRA related to submission, disclosure, use and copying of seismic data.	<ul style="list-style-type: none"> Statement of Defence, ¶8. 	<p>The Respondent alleges that “the rules governing the public release of seismic data materials in Canada are long-standing and widely-known as they apply to all industry participants that collect marine seismic data” (Statement of Defence, ¶ 8).</p> <p>The Claimants dispute the assertion</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> <p>as noted above, the Respondent's state of mind is not relevant to the Alberta Court Decisions or the outcome of the arbitration.</p>	<p>The Respondent's objection regarding relevance and materiality to the Claimants' arguments is meritless. The requested records are relevant to testing the Respondent's defences, and should be produced unless the Respondent now withdraws such defences to avoid production of the documents.</p> <p>Specifically, the requested records are material to the</p>	<p>Ordered</p> <ul style="list-style-type: none"> to the extent not addressed to or received from Claimants or marked as copied to Claimants from the locations identified in Claimants' Response <i>in</i>

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			<p>that the rules governing submission, disclosure, use and copying of seismic data, as such rules are asserted by the Respondent, are longstanding or widely known.</p> <p>Disclosure of the requested records is necessary to test the Respondent's assertions regarding the knowledge and understanding of the Claimants regarding the submission, disclosure, use and copying of seismic data under the Regulatory Regime.</p>	<p>The Tribunal is not seized with this issue.</p> <ul style="list-style-type: none"> • <u>3(a) Claimants' Possession, Custody or Control</u>: the requested material is in the Claimants' possession, custody or control, as the request concerns consultations and communications with the Claimants. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the Claimants assert that they "dispute the assertion that the rules governing submission, disclosure, use and copying of seismic data, as such rules 	<p>Respondent's assertion that "the rules governing the public release of seismic data materials in Canada are long-standing and widely-known" to "all industry participants that collect marine seismic data."</p> <p>Representations made to the Claimants through consultations or communications regarding disclosure, use and copying of seismic data under the CPRA are plainly material to ascertaining what the parties understood the "rules of the game" to be. As set out in General Responses 1 and 5, the Respondent's assertions regarding the Claimants' alleged understanding of the "rules of the game" prior to the Alberta Decisions is central to its</p>	<p><i>fine</i> (i.e. the Boards and NRC)</p> <ul style="list-style-type: none"> • to the exclusion of correspondence between Claimants and the Prime Minister and Premiers mentioned in Claimants' request <i>in fine</i>

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>are asserted by the Respondent, are longstanding or widely-known.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns, “[a]ll records of consultations and communications with the Claimants or their predecessors relating to the requirements imposed by the CPRA related to submission, disclosure, use and copying of seismic data”. The Claimants fail to request 	<p>limitations defence and its defence on the merits.</p> <p>This is not a matter of legal argument or interpretation, as the underlying facts are being requested in order that the Claimants and the Tribunal can make their own conclusions.</p> <p>Further, as noted in General Response 1, the Respondent has already produced and relied on some responsive documents to further its “rules of the game” defences,⁶ such that disclosure of the full suite of responsive documents in the Respondent’s possession, custody or control, or confirmation that no additional responsive records exist, is necessary to prevent the Respondent from cherry-</p>	

⁶ See, for example, Counter-Memorial at paras 38-42, 45, 95, and 102-103 and documents cited therein.

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 	<p>picking only those limited documents that are favourable to its position.</p> <p>The Respondent's bare assertion that all responsive documents are already in the Claimants' possession, custody or control is inaccurate, unsupported by evidence and cannot be given any weight by the Tribunal. GSI is not able to retain records in full after seven years have passed, and does not have a full record of historical correspondence.</p> <p>Furthermore, some records disclosed in this Arbitration have not previously been provided in the Common Issues proceeding.</p> <p>The Respondent's objection that the request is overbroad is unfounded as the request relates to a</p>	

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					<p>specific and narrow category of records (communications or consultations with the Claimants regarding specific aspects of the <i>CPRA</i>), at least some of which the Respondent has already produced.</p> <p>The relevant time period is necessarily limited to the time period when such consultations and communications regarding the <i>CPRA</i> could have taken place, although responsive records are most likely to be found with reference to the consultation and drafting period preceding the enactment of the <i>CPRA</i> in 1986, subsequent periods where the government agencies of the Respondent were changing or considering changes to legislation or administrative</p>	

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					<p>policies regarding disclosure of seismic materials,⁷ or when GSI raised concerns about the impact of technological changes on seismic disclosure and copying.⁸</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards and NRC. In addition, the Respondent has already produced responsive correspondence between the Claimants and the Prime Minister of Canada and the Premiers of Nova Scotia and Newfoundland and Labrador, such that the records of these entities ought to be reviewed to</p>	

⁷ See for example, Counter-Memorial, para 95 and documents cited therein.

⁸ See, for example, Counter-Memorial, paras 102-103 and documents cited therein.

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					ensure that all related or similar records have been produced.	
11.	Records related to all instances of disclosure of any of the seismic works referred to in Request #3 above, when such works were incorporated into reports or analyses by the Respondent or other levels of government or other entities and then disclosed by the Respondent or other levels of government	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 36, 38. Notice of Arbitration, ¶¶ 15, 17. 	The Claimants seek to establish that the Respondent's policy and conduct of disclosure to third parties of data in which GSI holds intellectual property rights pursuant to the Alberta Decisions breaches the Respondent's obligations and gives rise to compensation pursuant to Chapter 11 of the NAFTA. In order to ascertain and test the scope of the Respondent's potential wrongful disclosure and any resulting damages, it is necessary for the Respondent to	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>3(b) Publicly-Available Information</u>: the request seeks information – “records related to all instances of disclosure of any of the seismic works [...] when such works were incorporated into reports or analyses” – that is publicly-available and accessible to the Claimants, including through the Boards' websites. <u>1(a) Request Concerning the Regulatory Regime</u>: The request plainly relates to the Claimants' attempt to challenge the Regulatory Regime, 	As discussed in General Response 3, the ability to perform public searches for records is meaningless if existence and identity of the requested records is unknown. This request relates to reports or analyses created by Respondent and its government agencies which incorporate GSI's seismic material. While such records may themselves be publicly available, only the Respondent knows how such records were created and specifically, whether GSI's seismic material was incorporated into such records, and the identity of such records.	<p>Ordered</p> <ul style="list-style-type: none"> from the locations identified in Claimants' Response <i>in fine</i> (i.e. the Boards, NRC and the Geological Survey of Canada)

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			<p>identify all such instances of disclosure, whether direct or indirect.</p>	<p>which is not at issue before the Tribunal. The Claimants fail to explain how the requested materials are relevant and material to their challenge to the Alberta Court Decisions. As such, the request concerns matters over which the Tribunal is not seized.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> <p>by seeking “to ascertain and test the scope of the Respondent’s potential wrongful disclosure and any resulting damages” the Claimants plainly engage in a ‘fishing expedition’ without connecting the request to issues that are relevant and material to specific</p>	<p>Publicly available search tools do not provide a means or process to identify portions of seismic data or seismic sections by side label identifying the author of such data as GSI.</p> <p>As discussed in detail in relation to Responses 3, 4, and 5, the Respondent’s objections based on Requests Concerning the Regulatory Regime and alleged irrelevancy to the Claimants’ arguments are based on a misunderstanding or mischaracterization of the Claimants’ claim. The Claimants do not “challenge the Regulatory Regime” in this proceeding, but the scope of the Respondent’s copying, use and disclosure of GSI’s copyright materials is relevant to the demand for</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>claims advanced in the arbitration.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: The scope of the request is overbroad, as it concerns “[r]ecords related to all instances of disclosure of any of the seismic works referred to in Request #3 [...]”. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request, but rather request 	<p>GSI copyright materials and to the extent to which the Alberta Decisions destroyed GSI’s business. This information is therefore relevant to ascertaining the compensation to which the Claimants are entitled to under Chapter 11 of NAFTA. If the Respondent has no such records to produce, a confirmation of this fact would be relevant or material.</p> <p>Otherwise, any responsive records ought to be produced.</p> <p>The Respondent’s objections regarding this request being overbroad mischaracterize the request, and are baseless. The request seeks a narrow category of information – reports or analyses created by the Respondent and its</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision	
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request				
				<p>documents from “the Respondent or other levels of government”. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI’s domestic litigation proceedings, and/or pursuant to GSI’s ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. 	<p>government agencies by incorporating GSI’s seismic material, and any records related to the disclosure of such reports or analyses to third parties. If there are voluminous responsive materials, that merely speaks to the extent of the expropriation of the Claimants’ business.</p> <p>The time period of the request is necessarily limited to the time period after the Respondent obtained GSI’s seismic materials, but the Claimants cannot provide more specific dates as knowledge of when such reports were created by the Respondent and subsequently disclosed to third parties is known only known by the Respondent.</p> <p>Although the identity of the government entities which</p>		

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					<p>have created or disclosed the requested reports or analyses is known only to the Respondent, the Claimants expect that it is reasonable to at least review the records of the Boards, NRC, and the Geological Survey of Canada for responsive records.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests (which are outdated as they were produced over the course of the past 20+ years) and domestic litigation proceedings. This bare</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents.	
12.	All correspondence, internal memoranda, briefing notes, backgrounders, reports plans, discussion papers, meeting minutes, planning	<ul style="list-style-type: none"> Claimants' Memorial, ¶ 73. Paul Einarsson Witness Statement, ¶ 129. 	The Respondent alleges that the Claimants "first acquired knowledge of the Regulatory Regime and any resulting loss or damage more than three years prior to the submission of	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> the Claimants' "Reasons for Request" concern 	The Respondent's objection based on irrelevance and immateriality is unfounded, and is based on a misunderstanding or mischaracterization of the nature of the Claimants' claim. As explained in detail in relation to Response 3, the	<p>Ordered</p> <ul style="list-style-type: none"> from the locations identified in Claimants' Response <i>in fine</i> (i.e. the Boards and

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	documents, analyses, or presentations within the Respondent's control or possession referencing or relating to the Respondent's decision to cease keeping records of who has accessed Seismic Works submitted pursuant to the Regulatory Regime, including by changing to an online library and/or digital forms of disclosure which do not generate a record of who has accessed the Seismic Works. This request includes records related to when the		<p>their claim to arbitration" (Canada's Counter-Memorial, ¶ 207).</p> <p>The Claimants submit that the requested materials are relevant to whether the Respondent responded honestly and in good faith to the inquiries and concerns raised by the Claimants, or whether the Respondent sought to conceal, obfuscate or prevent the Claimants from proving the existence of losses or damages suffered by the Claimants as a result of the Regulatory Regime.</p>	<p>allegations that the Claimants have not advanced in the arbitration. Their NAFTA claim does not concern "whether the Respondent responded honestly and in good faith to the inquiries and concerns raised by the Claimants, or whether the Respondent sought to conceal, obfuscate or prevent the Claimants from proving the existence of losses or damages suffered by the Claimants as a result of the Regulatory Regime". These issues are irrelevant and immaterial to the Claimants' challenge to the Alberta Court Decisions under NAFTA Articles 1110(1) and 1106(1)(f).</p> <ul style="list-style-type: none"> • <u>1(b) Stated Reasons Improperly Invoke</u> 	<p>scope of the Respondent's disclosure of GSI's copyright materials is material to ascertaining the demand for GSI's copyright material and the extent to which the Alberta Decisions destroyed GSI's business. As such, the scope of disclosure is a key element in quantifying the compensation that the Claimants are entitled to under Chapter 11 of NAFTA.</p> <p>The Respondent's conduct in ceasing to keep records regarding who has accessed GSI's Seismic Works, and when such conduct started, is material to ascertaining the extent to which the recorded instances of disclosure in fact understate the actual scope of disclosure. Again, this information is relevant to</p>	<p>NRC) and any other governmental entities referred to in the responsive records of these named entities</p>

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	Respondent or its agencies ceased keeping records of disclosure, and how the, policies for keeping records of disclosure were developed and how such policies changed over time.			<p><u>Canada’s Limitation Period Objection</u>: the Claimants invoke Canada’s limitation period objection in the “Reasons for Request” without explaining how the requested documents are relevant to (i) the limitation period objection; (ii) the Claimants’ response to it; (iii) or the Alberta Court Decisions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[a]ll correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations [...] referencing or relating to the 	<p>assessing the demand and value of the GSI Seismic Data and the Claimants’ business.</p> <p>The Respondent’s motivations for taking steps to conceal or stop generating evidence of disclosure and copying of GSI’s intellectual property are also material to the Respondent’s “rules of the game” defence. If the Respondent took such steps prior to the Alberta Decisions, the obvious inference to be drawn is that the Respondent was concerned about the potential illegality of such copying such that it did not wish to create evidence that it was occurring, and did not have the understanding of the “rules of the game” that it now asserts was common knowledge</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>Respondent’s decision to cease keeping records of who has accessed Seismic Works”. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 	<p>amongst all participants in the Regulatory Regime.</p> <p>In relation to the Respondent’s objection that this request is overbroad, the Claimants have requested specific and discrete categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding when and why the Respondent changed its policies and processes to cease keeping records related to instances of disclosure. It is not possible for the Claimants to provide further specificity, as the</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					<p>Respondent, as opposed to the Claimant, has specific knowledge of how these decisions were made and what documents are likely to have been generated as part of this process.</p> <p>The time period of the request is necessarily limited to the time period when the Respondent made the referenced changes to its disclosure policies and processes, but the Claimants cannot provide more specific dates as knowledge of when changes occurred or were planned and considered is known only by the Respondent.</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards and NRC although</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					additional records may be located in other governmental entities referred to in the responsive records of these entities.	
13.	Copies of all public notices or liability agreements, waivers, or forms regarding copyright or potential borrowing liability that have been posted at the FIO, NRC, CNLOPB, or CNSOPB (and their predecessors or successors) since public disclosure of seismic data started to occur at such offices, and all correspondence, internal memoranda, briefing notes, backgrounders,	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 8, 10, 33, and 35. Claimants’ Memorial, ¶¶ 50-58. Counter-Memorial, ¶¶ 101-102, 326 and 333. 	<p>The Respondent alleges that the “rules governing the public release of seismic data materials in Canada are long-standing and widely-known” (Statement of Defence, ¶ 8).</p> <p>The Respondent also alleges that the alleged “rules” permitting public disclosure and copying of its intellectual property were “stable,” “clearly established,” “longstanding,” and had “for decades” been published in “guidelines,</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> 1(a) Requests Concerning the Regulatory Regime: the Claimants’ “Reasons for Request” – on whether the requested documents “changed over time” – concern the Claimants’ attempt to challenge the Regulatory Regime, which is not at issue before the Tribunal. <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants’ Arguments:</u> the Claimants’ “Reasons for Request” present no relation to allegations or 	<p>The Claimant’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments are meritless. As set out in General Responses 1 and 5, records regarding the understandings of the Respondent, the Claimants, and other participants in the Regulatory regime are all material to the factual assertions upon which the Claimants’ “rules of the game” defences are premised.</p> <p>The requested records are representations by the Respondent to the public at large regarding the “rules of</p>	Denied

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations relating to the creation or changing of such documents.		<p>interpretive notes and catalogues” by the Boards. (Counter-Memorial, ¶¶ 101, 326 and 333.)</p> <p>The Claimants expressly deny that the rules governing the public release of seismic data materials in Canada were stable, long-standing, clearly established or widely-known. The requested documents, and whether and why they changed over time, is relevant to testing the Respondent’s assertion that the rules governing the public release of seismic data materials were</p>	<p>claims that the Claimants have advanced in the arbitration under NAFTA Articles 1110(1) or 1106(1)(f).</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation:</u> the Claimants assert that they “deny that the rules governing the public release of seismic data materials in Canada were stable, long-standing, clearly established or widely-known.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions. 	<p>the game”. The extent to which the public notices, liability agreements, waivers, or forms regarding copyright or potential borrowing liability changed or evolved over time is relevant to the Respondent’s assertion that the “rules of the game” were “stable” and “consistent and predictable for decades”.⁹ The Respondent’s motivations for creating and making changes to such document is also material to ascertaining the Respondent’s understanding and state of mind as to the “rules of the game” throughout the relevant time period.</p> <p>Further, as noted in General Response 1, the Respondent</p>	

⁹ Counter-Memorial, para 102.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			longstanding and widely known.	<ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of the request is overbroad, as it concerns “[c]opies of all public notices or liability agreements, waivers, or forms regarding copyright or potential borrowing liability that have been posted at the FIO, NRC, C-NLOPB, or C-NSOPB [...] and all correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations relating to the creation or changing of such documents”. The Claimants fail to request 	<p>has already produced and relied on some responsive documents to further its “rules of the game” defences,¹⁰ such that disclosure of the full suite of responsive documents in the Respondent’s possession, custody or control, or confirmation that no additional responsive records exist, is necessary to prevent the Respondent from cherry-picking for production only those documents that are favourable to its position.</p> <p>The Respondent’s objection that the request is overbroad is unfounded as the request relates to a specific and narrow category of records (public notices or liability</p>	

¹⁰ **R-294**, NEB, “Liability Agreement –Borrowed Materials”, effective to 2003; **R-295**, NEB, “Liability Agreement –Borrowed Materials”, effective 2003-2006; **R-296**, NEB, “Liability Agreement –Borrowed Materials”, effective after 2006; **R-297**, National Energy Board, Frontier Information Office Sign, current as of 2011; **R-245**, Canada-Newfoundland and Labrador Offshore Petroleum Board, “Disclosure Agreement –Information; Requests”, 6 December 2002.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>3(a) Claimants' Possession, Custody or Control</u>: the requested material is in the Claimants' possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI's domestic litigation proceedings, and/or pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to 	<p>agreements, waivers, or forms regarding copyright or potential borrowing liability posted or made available at listed government agencies).</p> <p>The Respondents has already admitted that such records began to be created at specified time periods, and that there were changes to the language and form of such documents over time, particularly in relation to language regarding intellectual property rights and potential liabilities.¹¹</p> <p>Given that the Respondent's motivations in creating and making changes to such documents is relevant to its "rules of the game" arguments, the Claimants have also requested discrete</p>	

¹¹ RWS-01, Dixit Witness Statement, ¶ 34; RWS-03, Makrides Witness Statement, ¶ 29; RWS-02, Bennett Witness Statement, ¶ 28-29.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>rely on their own copies of these documents.</p> <ul style="list-style-type: none"> • <u>3(b) Publicly-Available Information:</u> copies of “public notices or liability agreements, waivers, or forms regarding copyright or potential borrowing liability that have been posted at the FIO, NRC, CNLOPB, or C-NSOPB” are publicly available and accessible upon request. the Boards 	<p>categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding when and why the Respondent created or changed such documents. It is not possible for the Claimants to provide further specificity, as the Respondent, as opposed to the Claimant, has specific knowledge of how these decisions were made and what documents are likely to have been generated as part of this process. If there are voluminous documents, that speaks to the validity of the “rules of the game” defence, as the rules would</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					<p>have been changing frequently.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests (which are outdated) and domestic litigation proceedings. This bare assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
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					<p>when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents, and cannot rely on documents that they do not possess.</p> <p>The Respondent's objection regarding publicly available information is likewise meritless, and undermines the Respondent's other objections. To the extent that the requested records are publicly available and accessible upon request, the Claimants have made a request for such records herein, and the documents should therefore be produced by the Respondent as they are in their control and possession. Notably, the Claimants are not solely seeking the Boards' current</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					public notices or liability agreements, waivers, or forms, but are also seeking a full record of the versions of such documents that have been in force throughout the time period made relevant by the Respondent's "rules of the game" defence.	
14.	Copies of any policies created by or for the FIO, NRC, CNLOPB, or CNSOPB (and their predecessors or successors) governing copying, attendance, or supervision of members of the public seeking disclosure of seismic data, and all correspondence, internal memoranda,	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 8, 10, 33, and 35. Claimants' Memorial, ¶¶ 50-58. Counter-Memorial, ¶¶ 101, 326 and 333. 	<p>The Respondent alleges that the "rules governing the public release of seismic data materials in Canada are long-standing and widely-known" (Statement of Defence, ¶ 8).</p> <p>The Respondent also alleges that the alleged "rules" permitting public disclosure and copying of its intellectual property were "stable,"</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> the "Reasons for Request" – "[t]he requested policies, and whether and why such policies changed over time, is relevant to testing the Respondent's assertions in this regard [that the rules governing the public release and copying of seismic data materials in Canada have been stable, 	The Claimant's objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants' arguments are meritless. As set out in General Responses 1 and 5, records regarding the understandings of the Respondent, the Claimants, and other participants in the Regulatory regime are all material to the factual assertions upon which the Claimants' "rules of the	Denied

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's control or possession relating to the creation or changing of such policies or how they developed and changed over time.		<p>“clearly established,” “longstanding,” and had “for decades” been published in “guidelines, interpretive notes and catalogues” by the Boards. (Counter-Memorial, ¶¶ 101, 326 and 333.)</p> <p>The Claimants expressly deny that the rules governing the public release and copying of seismic data materials in Canada have been stable, long- standing, clearly established or widely known.</p> <p>The requested policies, and whether and why such policies changed over time, is relevant to testing the</p>	<p>long- standing, clearly established or widely-known]” – concern allegations the Claimants have not advanced in the arbitration, but rather attempt to challenge the Regulatory Regime, which is not at issue before the Tribunal.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> the “Reasons for Request” present no relation to allegations or claims that the Claimants have advanced in the arbitration under NAFTA Articles 1110(1) or 1106(1)(f). • <u>1(d) Stated Reasons Are Matters of Legal</u> 	<p>game” defences are premised.</p> <p>The requested internal records are material to assessing the Respondent's own asserted understandings of the “rules of the game”. The extent to which such policies changed or evolved over time is relevant to the Respondent's assertion that the “rules of the game” were “stable” and “consistent and predictable for decades”¹² The Respondent's motivations for creating and making any changes to such policies is also material to ascertaining the Respondent's understanding and state of mind as to the “rules of the game” throughout the relevant time period.</p>	

¹² Counter-Memorial, para 102.

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
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			Respondent's assertions in this regard.	<p><u>Argumentation</u>: the Claimants assert that they “expressly deny that the rules governing the public release and copying of seismic data materials in Canada have been stable, long- standing, clearly established or widely-known.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers “any policies [...] governing copying, attendance, or supervision of members of the public seeking disclosure of seismic data, [and all 	The Respondent’s objection that the request is overbroad is unfounded as the request relates to a specific and narrow category of records (policies created by or for the FIO, NRC, C-NLOPB, or CNSOPB) which necessarily only relate to the discrete time period in which the Respondent has engaged in disclosure of seismic materials. Given that the Respondent’s motivations in creating or making changes to the referenced policies is relevant to its “rules of the game” arguments, the Claimants have also requested discrete categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>documents] relating to the creation or changing of such policies or how they developed and changed over time”. The scope of the Claimants’ request, which includes “any policies [...] and all correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations” is also over-broad. The Claimants fail to request narrow, specific, relevant and material documents.</p>	<p>documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding when and why the Respondent created or changed such policies. It is not possible for the Claimants to provide further specificity, as the Respondent, as opposed to the Claimant, has specific knowledge of how these decisions were made and what types of documents are likely to have been generated as part of this decision-making process.</p> <p>The Respondent’s objection that the requested records are already in the Claimant’s possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of</p>	

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI’s domestic litigation proceedings, and/or pursuant to GSI’s ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. • <u>3(b) Publicly-Available Information</u>: the “policies 	<p>certain unidentified ATIP requests (which are outdated, as they have occurred over 20+ years) and domestic litigation proceedings. This bare assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents, and cannot rely on documents they do not possess.</p> <p>The Respondent’s objection regarding publicly available</p>	

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				<p>created by or for the FIO, NRC, C-NLOPB, or C-NSOPB (and their predecessors or successors) governing copying, attendance, or supervision of members of the public seeking disclosure of seismic data” are publicly-available and accessible upon request to the Boards.</p> <p>Canada is not required to produce such documents.</p>	<p>information is likewise meritless, and undermines the Respondent’s other objections. To the extent that the requested records are publicly available and accessible upon request, the Claimants have made a request for such records herein, and the documents should therefore be produced by the Respondent. Notably, the Claimants are not solely seeking the Boards’ current policies, but are also seeking a full record of the versions of such documents that have been in force throughout the relevant time period.</p>	
15.	Records relating to why amendments were made to the <i>Coasting Trade Act</i> , S.C., 1992, c.31 in June 2012	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 321, 459. 	The Respondent asserts that the failure of the Claimants’ business resulted from “its own risky business decisions	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime and 1(c) Stated Reasons</u> 	The Claimant’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments	Denied

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
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	to exclude ships undertaking seismic activities from the requirement to obtain a coasting trade licence including any feedback/comments from industry regarding such amendments.		and an inability to endure tough economic conditions” (Counter-Memorial, ¶ 321). The Respondent further asserts that “GSI’s competitors such as PGS and TGS were subject to the same Regulatory Regime in Canada and other jurisdictions with confidentiality periods of similar length, and yet were successful.” The Respondent further asserts that the success of GSI’s competitors such as PGS and TGS is evidence that GSI’s failure is not attributable to the Alberta Decisions.	<u>Are Irrelevant and Immaterial to the Claimants’ Arguments:</u> The Claimants’ “Reasons for Request” concern allegations that the Claimants have not advanced in the arbitration. Their NAFTA claim does not concern “whether the Respondent intended to harm the Claimants’ business by favouring its competitors”. In addition, the amendments to the Coasting Trade Act are not at issue in this dispute. While the Claimants filed many ATIP requests about this years ago and included this as part of their NOI, this allegation was specifically not included in their NOA. Furthermore, this information is irrelevant	are meritless. The requested documents are necessary to test assertions that the Respondent has made in its defence, as opposed to being necessary to establish elements of the Claimants’ claims. Unless the Respondent is willing to withdraw its assertions regarding the causes of GSI’s business failure, and the relative success of PGS and TGS, it must produce records relevant and material to testing such assertions. As explained in detail in General Response 6, this request is not a matter of legal argumentation. The Respondent has made factual assertions regarding the reasons why GSI’s business has been destroyed. These underlying factual	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			<p>(Counter-Memorial, ¶ 59).</p> <p>The Respondent fails to mention the referenced amendments to the Coasting Trade Act and their effect on the Claimants' alleged business failures.</p> <p>Disclosure of the referenced records is necessary to determine the causes of the failure of the Claimants' business, including whether the Respondent intended to harm the Claimants' business by favouring its competitors.</p>	<p>and immaterial to the Claimants' challenge to the Alberta Court Decisions under NAFTA Articles 1110(1) and 1106(1)(f).</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the Claimants assert that “[t]he Respondent fails to mention the referenced amendments to the Coasting Trade Act and their effect on the Claimants' alleged business failures.” <p>Where the Claimants disagree with Canada's interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions.</p>	<p>assertions themselves are disputed, not the Respondent's “interpretation of certain points of fact”.</p> <p>In order to advance arguments to dispute the Respondent's interpretation of points of fact, the Claimants require the requested information and records, which are in the exclusive control of the Respondent.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests (which are outdated) and domestic litigation proceedings. This</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<ul style="list-style-type: none"> • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested material is in the Claimants’ possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI’s domestic litigation proceedings, and/or pursuant to GSI’s ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. 	bare assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents, and cannot rely on documents they do not possess.	
16.	All correspondence, internal memoranda, briefing notes, backgrounders, reports, plans,	<ul style="list-style-type: none"> • Statement of Defence, ¶¶ 10, 33, and 35. 	The Respondent asserts that the Claimants “made their investments on the basis of” and “voluntarily accep”ed” certain	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> • <u>1(a) Request Concerning the Regulatory Regime</u>: the “Reasons for Request” – “[t]he requested records 	The Respondent’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments are	<p>Ordered</p> <ul style="list-style-type: none"> • regarding a report or presentation authored by

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	discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's control or possession referencing or relating to any changes or expansions to the disclosure of seismic data by the Regulatory Boards for the period between 1960 and November 30, 2017, and in particular, any report commissioned, considered or obtained by the	<ul style="list-style-type: none"> Counter-Memorial, ¶ 101. Claimants' Memorial, ¶¶ 54-58. 	<p>“regulatory seismic data submission requirements, the confidentiality periods that attached to the submitted material and the provisions for public disclosure of certain materials at the end of the confidentiality period (Statement of Defence, ¶¶ 10 and 35).</p> <p>The Respondent also asserts that “the rules regarding disclosure of seismic materials had been stable since the early 1980s...” (Counter-Memorial, ¶ 101.)</p> <p>The Claimants expressly deny that they knew of,</p>	<p>are necessary to determining what the submission requirements were, and were understood to be, by both the Claimants and the Respondent throughout the referenced period, including whether such requirements were stable throughout” – concern allegations the Claimants have not advanced in the arbitration, but rather attempt to challenge the Regulatory Regime, which is not at issue before the Tribunal.</p> <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> <p>regarding the part of the request related to “Mabrouk Chouk”, the</p>	<p>meritless. As set out in General Responses 1 and 5, and in other responses above, records relating to the Regulatory Regime are material to testing the “rules of the game” defences relied on by the Respondent.</p> <p>The requested internal records are material to assessing the Respondent's assertions regarding the extent to which “rules of the game” governing submission, disclosure and copying of seismic data under the Regulatory Regime, were “stable” and “consistent and predictable for decades”.¹³</p> <p>Evidence of changes to such “rules” or evidence that the Respondent considered or threatened</p>	<p>Mabrouk Chouk</p> <p>Rejected</p> <ul style="list-style-type: none"> to its other parts

¹³ Counter-Memorial, para 102.

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	CNLOPB in the 2000's that analyzed the impact of expanded public disclosure of seismic data on the future creation of speculative seismic data, including but not limited to reports or presentations made by Mabrouk Chouk.		voluntarily accepted, or made any investments on the basis of the submission and disclosure requirements asserted by the Respondent. The Claimants further deny that the disclosure requirements have been stable since the early 1980s, and take the position that such requirements have been re-considered numerous times and have ultimately significantly evolved, including but not limited to a change in the disclosure format from paper and mylar to .pdf and .tiff images.	<p>Claimants have failed to identify who is Mabrouk Chouk, his name has never been mentioned in the Claimants' submissions and the Claimants have failed to explain why he has any relationship to this arbitration.</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation:</u> the Claimants assert they "expressly deny that they knew of, voluntarily accepted, or made any investments on the basis of the submission and disclosure requirements asserted by the Respondent." Where the Claimants disagree with Canada's interpretation of certain points of fact, they may advance arguments to support their 	<p>such changes, is particularly material to assessing the alleged stability, consistency and predictability of these "rules".</p> <p>Further, the Respondent's motivations for making or considering such changes is also material to ascertaining the Respondent's understanding and state of mind as to the "rules of the game" and whether such rules were in fact stable or consistent, or could be unilaterally changed by the Respondent.</p> <p>Regarding the Respondent's objection regarding Mabrouk Chouk, as is set out in the request, the Claimants understand that an individual named Mabrouk Chouk may have authored a report or presentation that was</p>	

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			<p>The requested records are necessary to determining what the submission and disclosure requirements were, and were understood to be, by both the Claimants and the Respondent throughout the referenced period, including whether such requirements were stable throughout.</p>	<p>interpretation in their written submissions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers documents “referencing or relating to any changes or expansions to the disclosure of seismic data by the Regulatory Boards”. The scope of the Claimants’ request, which includes “[a]ll correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations” is also over-broad. The Claimants fail to request narrow, specific, relevant and material documents. 	<p>commissioned, considered or obtained by the CNLOPB in the 2000s that analyzed the impact of expanded public disclosure of seismic data on the future creation of speculative seismic data. The Claimants have requested all such reports or presentations, regardless of author, but included this name in the interest of efficiency in an effort to provide guidance as to potentially responsive records.</p> <p>Regarding the Respondent’s objection that the request is overbroad, the breadth of the subject matter and time period of the requests is caused by the vague, unsupported and broad nature of the Respondent’s assertion that the requirements related to</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the request sets a time-period exceeding 50 years, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. • <u>3(a) Claimants' Possession, Custody or Control</u>: the requested material is in the Claimants' possession, custody or control, 	<p>submission and disclosure of seismic materials have not “evolved” since the 1960s, and have been “stable” since the early 1980s.¹⁴</p> <p>The Respondent also vaguely asserts that the only “significant” change to the rules regarding disclosure came in 1999, such that the rules have “remained consistent and predictable for decades”.¹⁵ Any records which reference or relate to changes to the rules governing disclosure are material to testing the very broad and unqualified assertions made by the Respondent relating to a</p>	

¹⁴ Counter-Memorial, paras 30, and 101.

¹⁵ Counter-Memorial, para 102.

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				including as documents that formed part of the Common Issues Trial/GSI's domestic litigation proceedings, and/or pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.	time period as far back as the 1960s. Given that the Respondent's own motivations and understandings regarding its ability to make changes to rules governing disclosure is relevant to its "rules of the game" arguments, the Claimants have also requested discrete categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding the Respondent's motivations and understandings in this regard. It is not possible for the Claimants to provide	

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					<p>further specificity, as the Respondent, as opposed to the Claimant, has specific knowledge of how these decisions were made and what types of documents are likely to have been generated as part of its decision-making process.</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards and NRC.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests (which are plainly outdated) and domestic</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					litigation proceedings. This bare assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents, and cannot rely on documents they do not possess.	
17.	All correspondence, internal memoranda, Briefing notes, backgrounders,	<ul style="list-style-type: none"> Statement of Defence, ¶¶ 10, 33, and 35. 	The Respondent asserts that the Claimants “made their investments on the basis of” certain “regulatory seismic	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> the “Reasons for Request” 	The Claimant’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments	Denied

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
	reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's control or possession referencing or relating to any retroactive requests for digital data, and/or changes or expansions to the submission requirements for seismic data to the Regulatory Boards for the period between 1960 and November 30, 2017.		<p>data submission requirements, the confidentiality periods that attached to the submitted material and the provisions for public disclosure of certain materials at the end of the confidentiality period (Statement of Defence, ¶ 10).</p> <p>The Respondent further asserts that "GSI's submission of certain seismic materials to the Regulatory Boards and the disclosure of this material at the end of the confidentiality period were voluntarily accepted by GSI as the basis upon which a geophysical program authorization</p>	<p>– "[t]he requested records are necessary to determining what the submission requirements were, and were understood to be, by both the Claimants and the Respondent throughout the period in which the Claimants made investments in Canada" – concern allegations the Claimants have not advanced in the arbitration, but rather challenge the Regulatory Regime, which is not an issue before the Tribunal.</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation:</u> the Claimants assert that they "deny that they knew of, voluntarily accepted, or made any investments on the basis of the submission requirements 	<p>are meritless. As set out in General Responses 1 and 5, and in other responses above, records relating to the Regulatory Regime are material to testing the "rules of the game" defences asserted by the Respondent. These are not just matters of argument, but actually matters of fact and require evidence for the Claimants and the Tribunal to come to their own conclusions.</p> <p>The requested internal records regarding submission requirements are material to assessing the Respondent's assertions regarding the extent to which "rules of the game" governing submission, disclosure and copying of seismic data under the Regulatory Regime, were "stable" and "consistent</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			<p>to acquire the seismic data would be granted in the first place” (Statement of Defence, ¶ 35).</p> <p>The Claimants expressly deny that they knew of, voluntarily accepted, or made any investments on the basis of the submission requirements asserted by the Respondent. The requested records are necessary to determining what the submission requirements were, and were understood to be, by both the Claimants and the Respondent throughout the period in which the Claimants made</p>	<p>asserted by the Respondent.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers “any retroactive requests for digital data, and/or changes or expansions to the submission requirements for seismic data to the Regulatory Boards”. <p>The scope of the Claimants’ request, which includes “[a]ll correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion</p>	<p>and predictable for decades”, and formed the basis for the Claimants’ investments in Canada.</p> <p>Similar to Request 16 above, the Respondent’s objection that the request is overbroad is unfounded. The breadth of the subject matter and time period of the requests is caused by the vague, unsupported and broad nature of the Respondent’s assertions regarding the consistent and stable nature of the rules governing data submission since the 1960s, and regarding the Claimants’ and the Respondent’s knowledge, understanding or voluntary acceptance of such rules.</p> <p>Given that the Respondent’s own understandings regarding its ability to make changes</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
			investments in Canada.	<p>papers, meeting minutes, planning documents, analyses, or presentations” is also over-broad. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the request sets a time-period exceeding 50 years, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 	to rules governing submission of seismic data is relevant to its “rules of the game” arguments, the Claimants have also requested discrete categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding the Respondent’s understandings in this regard. It is not possible for the Claimants to provide further specificity, as the Respondent, as opposed to the Claimant, has specific knowledge of how these decisions were made and what types of documents are likely to have been	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<ul style="list-style-type: none"> • <u>3(a) Claimants' Possession, Custody or Control</u>: the requested material is in the Claimants' possession, custody or control, including as documents that formed part of the Common Issues Trial/GSI's domestic litigation proceedings, and/or pursuant to GSI's ATIP requests. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents. 	<p>generated as part of its decision-making process.</p> <p>The Claimants expect that the requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards and NRC.</p> <p>The Respondent's objection that the requested records are already in the Claimant's possession is reliant on a bare assertion that all of the requested information has already been disclosed to the Claimants as a result of certain unidentified ATIP requests (which are plainly outdated) and domestic litigation proceedings. This bare assertion is unsupported by any evidence or reasoning, and should not be given any weight by the Tribunal. The</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					Respondent does not even identify which ATIP responses or domestic litigation proceedings it asserts are responsive to this request. The Claimants are not aware of how or when any ATIP requests or domestic litigation proceedings, or any combination thereof, have resulted in disclosure of the requested documents, and cannot rely on documents they do not possess.	
18.	All records within the Respondent's control indicating that there is less technical and seismic data available to industry in relation to "Frontier Lands".	<ul style="list-style-type: none"> Counter-Memorial, ¶ 27. 	The Respondent asserts at ¶ 27 of the Counter-Memorial that "there is far less technical and geophysical data available to incentivize the industry to pursue operations in Frontier Lands."	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>3(b) Publicly-Available</u>: records that "there is less technical and seismic data available to industry in relation to 'Frontier Lands'" are publicly-available and accessible to the Claimants, 	This request simply seeks the records relied on by the Respondent to support the referenced assertion, if any such records exist. If the Respondent relied on publicly available records it ought to produce or identify such records. If the Respondent did not rely on any records to support this	Denied

(a) No.	(b) Documents or category of documents requested	(c) Relevance and materiality, incl. references to submission (Requesting Disputing Party)		(d) Reasoned objections to document production request (objecting Disputing Party)	(e) Response to objections	(f) Tribunal Decision
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			Disclosure of the requested records is necessary to test this assertion.	<p>including on online and specialized sources.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the scope of this request is extremely overbroad, as it covers “[a]ll records”. The Claimants fail to request narrow, specific, relevant and material documents. The request is vague and not understandable. • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited 	<p>bare assertion it ought to confirm this.</p> <p>The Respondent’s objections related to the overbroad nature of the request are unfounded, as the request is narrowly focused on the Respondent’s own assertion and what is relied upon to make that assertion. These objections indicate that the Respondent did not already collect records in support of its assertion before making the assertion, and does not know where to look for such records. If this is the case, the Respondent should provide confirmation of same.</p> <p>The Claimants expect that the requested documents are likely to be located in the records of a discrete number of governmental</p>	

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				to a narrow and specific category of relevant and material documents.	entities, most likely the Boards and NRC. The Respondent's objection that the request is overbroad is unfounded. The breadth of the subject matter and time period of the requests is caused by the vague, unsupported and broad nature of the Respondent's about the availability of seismic data in the frontier areas.	
19.	All correspondence, internal memoranda, Briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the	<ul style="list-style-type: none"> Counter-Memorial, ¶ 27-28. 	Canada asserts that its policy regarding seismic information has balanced, "two important but competing objectives: (1) the protection of the confidentiality of seismic materials for a reasonable period of time to allow for the commercialization of the information collected, thus	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> The request does not relate to the Claimants' challenge of the Alberta Court Decisions under Articles 1110(1) and 1106(1)(f), but to the Claimants' interpretation 	The Claimant's objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants' arguments are meritless. As explained in General Response 1, it is the Respondent has relied on assertions regarding the history, meaning, and operation of the Regulatory Regime as the central pillar of the Respondent's	Denied

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	Respondent's control or possession from the period between 1960 and November 30, 2017, -indicating that the public dissemination of seismic materials, without a requirement for compensation to the owner of intellectual property rights in such materials, stimulates additional exploration interest, and improves efficiencies and safety for the benefit of the public as a whole.		<p>incentivizing investment by companies in the acquisition of geophysical information in the Frontier Lands; and (2) the dissemination of that information in order to stimulate additional exploration interest, and improve efficiencies and safety for the benefit of the public as a whole.”</p> <p>Disclosure of the requested records is necessary to determine whether Canada's policy decisions during the requested period have in fact been motivated by a desire to balance these two objectives, and whether such</p>	<p>of and implicit challenge to the Regulatory Regime.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> the “Reasons for Request” present no relation to allegations or claims that the Claimants have advanced in the arbitration. Indeed, “whether Canada's policy decisions during the requested period have in fact been motivated by a desire to balance these two objectives” is not at issue in this dispute. • <u>2(a) Overbroad Subject and Scope:</u> the subject matter of this request is extremely over-broad, as it covers documents “indicating that the public dissemination of seismic 	<p>defence. The Respondent is required to disclose documents that are material to testing its assertions in this regard.</p> <p>In the case of this request, the relevant assertion relates to purported policy benefits associated with the broad public dissemination of seismic materials through confiscation of copyright in such data. Such purported policy benefits are directly material to the requirement under Article 1110(1)(a) of NAFTA that the measure in question must be “for a public purpose” to be lawful under NAFTA.</p> <p>The Respondent ought to disclose the records it relies on to support its assertion that not only has its policy been motivated by an attempt to balance these</p>	

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			balancing has in fact occurred.	<p>materials, without a requirement for compensation to the owner of intellectual property rights in such materials, stimulates additional exploration interest, and improves efficiencies and safety for the benefit of the public as a whole.” The scope of the Claimants’ request, which includes “[a]ll correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations” is also over-broad. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the request sets a 	<p>two policy objectives, but that it has in fact successfully balanced these objectives throughout the history of the Regulatory Regime by exercising its discretion to widely and aggressively disclose and facilitate copying of copyright material without compensation to copyright holders.</p> <p>In relation to the Respondent’s argument that the request is overbroad, the request is as narrow as it can be to test the very broad assertions made by the Respondent regarding their alleged attempt to balance competing objectives and their alleged success at doing so.</p> <p>Regarding the scope and time period of the request, the Claimants have requested discrete</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>time-period exceeding 50 years, which is significantly overbroad.</p> <ul style="list-style-type: none"> • <u>2(c) Overbroad Coverage of Governmental Entities:</u> the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. • <u>3(b) Publicly-Available Information:</u> documentation on “whether Canada’s policy decisions during the requested period have in fact been motivated by a desire to balance these two objectives” is publicly-available and accessible to the 	<p>categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) from the discrete time period to which the Respondent’s assertion applies. The requested categories of document appear to the Claimants to be reasonably likely to have information regarding the Respondent’s understandings and analyses in this regard. It is not possible for the Claimants to provide further specificity, as the Respondent has exclusive knowledge of how these decisions were made and analyzed, and what types of documents are likely to have been generated as part of its decision-making</p>	

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				<p>Claimants, including through the document <i>CPRA</i>, clause-by-clause description and briefing book, as mentioned in paragraph 171 of the decision <i>GSI v. Encana</i>, 2016 ABQB 230.</p> <p>Mentions of the stated competing objectives are also made in provisions 135.1 of the C-NL Accord Acts, 138.1 of the C-NS Accord Acts, and 2.1 of the COGOA.</p>	<p>process, The Respondent's objection regarding Publicly Available Information refers to limited publicly available documents which assert that the nominal aim of certain legislation constituting the Regulatory Regime was, at the time of drafting, to balance the two referenced objectives. However, these or other publicly available documents are not material to testing the Respondent's assertion that the Respondent has in fact successfully balanced the objectives when implementing the Regulatory Regime, including when repeatedly and consistently exercising its statutory discretion to disclose and facilitate copying of copyright material without</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
					compensating the copyright holder.	
20.	Any records in the Respondent's possession and control regarding who was provided with a copy of the "1976 Statement Policy" found at R-310.	<ul style="list-style-type: none"> Counter-Memorial, ¶ 33. 	The relevance of "1976 Statement Policy" found at R-310 to this matter cannot be determined without knowing who had access to this document.	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(e) Third-Party Conduct:</u> The request concerns the conduct of third parties, which is not related to the Claimants' claim. <u>1(a) Request Concerning the Regulatory Regime:</u> the Claimants' stated reason that "[t]he relevance of '1976 Statement Policy' found at R-310 to this matter cannot be determined without knowing who had access to this document" does not relate to the Claimants' claim as it concerns the Regulatory Regime and not the Alberta Court Decisions. This concerns matters 	<p>Regarding the objection based on third party conduct, the request relates to the Respondent's conduct in creating and disseminating a statement of policy which it commissioned. It does not seek information about the conduct of third parties. It is relevant and material to know whether the Claimants were ever provided with a copy of such policy statement or to whom such statement was provided apart from the Claimants to assess whether the Claimants were purposely not informed.</p> <p>The Claimant's objections regarding Requests Concerning the Regulatory Regime and regarding the</p>	<p>Ordered</p> <ul style="list-style-type: none"> subject to Claimants' confirmation that they are not aware of having been provided with a copy of the Statement

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>over which the Tribunal is not seized.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> the "Reasons for Request" present no relation to allegations or claims that the Claimants have advanced in the arbitration. Indeed, "[t]he relevance of '1976 Statement Policy'" is not at issue in this arbitration. • <u>2(a) Overbroad Subject and Scope:</u> the scope of this request is extremely overbroad, as it covers "[a]ny records in the Respondent's possession and control regarding who was provided with a copy of the '1976 Statement Policy'". The Claimants fail to request narrow, 	<p>relevance and materiality to the Claimants' arguments.</p> <p>The Respondent appears to rely on the requested document in support of its own "rules of the game" and limitations arguments, rendering who accessed the document material to these arguments.</p> <p>Regarding the Respondent's overbroad objections, the Claimants are specifically seeking records demonstrating whether the document was disseminated to seismic companies such as GSI around the time it was created, and if so, which companies received it.</p> <p>Regarding the Respondent's public domain argument, while the Respondent asserts that the document was in the public</p>	

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				<p>specific, relevant and material documents. Since any member of the public may potentially have had access such policy, it would be unreasonably burdensome for Canada to produce the requested documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the time period for the request is unlimited, which is significantly overbroad. It is also unreasonable and burdensome for Canada to search for records from almost 50 years ago. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited 	<p>domain, records regarding whether it was in the public domain and which seismic companies accessed the document are not. To the extent that such records exist, the request seeks their production. Alternatively, if such records do not exist or cannot be reasonably located, the Respondent should indicate this.</p>	

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				<p>to a narrow and specific category of relevant and material documents.</p> <ul style="list-style-type: none"> • <u>3(b) Publicly-Available Information</u>: the Claimants' request seeks information that is in the public domain. Indeed, the 1976 Statement Policy was accessible to the public at the time it was issued. 		
21.	Any records in the Respondent's possession and control indicating that the 1984 COGLA Catalogue found at R- 226 was provided to GSI or its predecessors.	<ul style="list-style-type: none"> • Counter-Memorial, ¶¶ 58, 79-81. 	Canada asserts that the Claimants knew in 1993 that the seismic materials submitted by Halliburton and its predecessor to government regulators were already in the public domain and were available for copying without compensation to intellectual property rights holders, relying in	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> • <u>3(a) Claimants' Possession, Custody or Control</u>: the Claimants already possess, have custody over or control documents concerning their assertions of their own knowledge that the seismic materials submitted by Halliburton and its predecessors to 	The Claimant's objection regarding the requested documents being in the Claimants' possession, custody or control are unfounded. The Claimants do not have any records indicating that the 1984 COGLA Catalogue found at R-226 was provided to GSI or its predecessors. If the Respondent has responsive records, it ought to produce them, or	Ordered

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			<p>part on the existence of the 1984 COGLA Catalogue found at R-226.</p> <p>In order to determine whether the Claimants had such knowledge, it is necessary to determine whether and when the Respondent asserts that the Claimants became aware of the 1984 COGLA Catalogue found at R-226.</p>	<p>government regulators were already in the public domain by 1993.</p> <p>The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.</p> <ul style="list-style-type: none"> • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> <p>the “Reasons for Request” present no relation to allegations or claims that the Claimants have advanced in the arbitration. The Claimants have not contended that they did not know that the seismic materials submitted by Halliburton and its predecessor to government regulators</p>	<p>alternatively confirm that it has no such records.</p> <p>Regarding the objection based on irrelevance and immateriality, the Respondent has asserted that this document is relevant to its limitation defence, and the requested records are material to testing this assertion.</p> <p>Regarding the Respondent’s public domain objection, the request relates to whether the record was in fact provided to the Claimants, not whether the document was in the public domain when it was issued, which is also not proven by the Respondent. The Claimants are not aware of any publicly accessible records relevant to whether they</p>	

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				<p>were already in the public domain by 1993.</p> <ul style="list-style-type: none"> • <u>3(b) Publicly-Available Information</u>: the request seeks information that is in the public domain. Indeed, ¶¶ 58, 79-81 of the Counter-Memorial contain statements on the public availability of certain seismic materials, including the statement that, “a 1984 COGLA Catalogue stated that ‘[a]ll geophysical/geological reports have been microfilmed for the purposes of archival storage and data reproduction’ and were available to the public at COGLA’s offices in Halifax, Calgary and St. John’s.” <p>(Counter-Memorial, ¶ 58). The Claimants may</p>	<p>were provided with the catalogue.</p> <p>If the Respondent has such records, they ought to produce them. Alternatively, if such records do not exist or cannot be reasonably located, the Respondent should confirm this.</p>	

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		References to Submissions, Exhibits, Witness Statements or Expert Reports	Reasons for Request			
				<p>challenge the implications of these facts for their actual and constructive knowledge in their written submissions.</p> <p>Moreover, the 1984 Catalogue was accessible to the Claimants at the time it was issued.</p>		
22.	Records regarding any seismic data which was converted by the NEB from microfiche to electronic formats, including any transcript of Mr. Dixit being questioned on Exhibit R- 327 and any responses to undertakings given at such questionings.	<ul style="list-style-type: none"> Counter-Memorial, ¶ 59. R-327 – Affidavit of Bharat Dixit, sworn August 28, 2015, filed in Geophysical Service Incorporated v Encana Corporation, 2016 ABQB 230, ¶20. 	The Respondent asserts that “The NEB has not converted, and is not pursuing a conversion of, the contents of the FIO as a whole from microfiche into electronic formats” (Counter-Memorial, ¶59). In support of this assertion, the Respondent relies on Exhibit R-327, which is an Affidavit of Bharat Dixit sworn in 2015.	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> the “Reasons for Request” – “the possibility that the Respondent has pursued such conversion [from microfiche to electronic formats] for certain data” – concern allegations the Claimants have not advanced in the arbitration, but rather attempt to challenge the Regulatory Regime, 	The Respondent’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments are meritless. As set out in General Responses 1 and 5, and in other responses above, records relating to the Regulatory Regime are material to testing the “rules of the game” defences asserted by the Respondent. The requested internal records are material to assessing the	<p>Ordered</p> <ul style="list-style-type: none"> always subject to para 10 of PO 2

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			<p>The Respondent has not produced the transcript of Mr. Dixit being questioned on this affidavit nor has it produced Mr. Dixit's responses to undertakings given at this questioning, which are necessary to put Mr. Dixit's affidavit evidence into its proper context.</p> <p>In addition, while the Respondent asserts that it is "not pursuing a conversion of, the contents of the FIO as a whole from microfiche into electronic formats" (emphasis added), this does not preclude the possibility that the</p>	<p>which is an issue that is not before the Tribunal.</p> <ul style="list-style-type: none"> • <u>(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments:</u> the Claimants' NAFTA claim does not include allegations about "the possibility that the Respondent has pursued such conversion [from microfiche to electronic formats] for certain data". Accordingly, the request is irrelevant and immaterial to the outcome of the arbitration. The Claimants attempt to seek new evidence to support new potential claims against Canada is improper. 	<p>Respondent's specific assertion that "the NEB has not converted, and is not pursuing a conversion of, the contents of the FIO as a whole from microfiche into electronic formats". The Respondent has included this assertion in its Counter-Memorial and witness statements, and so cannot now argue that the assertion is not relevant and material. Further, this specific assertion is material to testing other relevant assertions made by the Respondent regarding the extent to which "rules of the game" governing submission, disclosure and copying of seismic data under the Regulatory Regime, were "stable" and "consistent and predictable for decades".¹⁶ Evidence of</p>	

¹⁶ Counter-Memorial, para 102.

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			Respondent has pursued such conversion for certain data. The requested records are necessary to determine whether and the extent to which any such conversion occurred.	<ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers “[r]ecords regarding any seismic data which was converted by the NEB”. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(b) Overbroad Time-Period</u>: the time-period for the request is unlimited, which is significantly overbroad. • <u>3(a) Claimants’ Possession, Custody or Control</u>: the requested documents – “any transcript of Mr. Dixit being questioned on Exhibit R- 327 and any responses to undertakings given at such questionings” – are in the 	changes to such “rules” or evidence that the Respondent considered or threatened such changes, is particularly material to assessing the alleged stability, consistency and predictability of these “rules”. Regarding the objection that the request is overbroad, the breadth of the request is rooted in the extremely broad assertion made by the Respondent, which is not limited to any time period. Given that any conversion of data is only within the knowledge of the Respondent, it is not possible for the Claimants to more specifically identify responsive categories of records. The Respondent’s objection that the requested records are in the Claimants’ possession, custody or control relates only to the transcript of Mr.	

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				Claimant’s possession, custody or control, as these documents are part of the Common Issues Trial’s court files. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.	Dixit being questioned on Exhibit R-327 and any responses to undertakings given at such questionings. By relying on an affidavit sworn in an alternate proceeding without adducing the full context of such affidavit evidence, the Respondent presents a misleading impression of the evidence to the Tribunal. Such records ought to have been properly adduced by the Respondent.	
23.	All correspondence, internal memoranda, Briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or	<ul style="list-style-type: none"> Statement of Defence, ¶ 8. Counter Memorial, ¶ 64. 	<p>The Respondent alleges that the “rules governing the public release of seismic data materials in Canada are long-standing and widely-known” (Statement of Defence, ¶ 8).</p> <p>The Claimants expressly deny that the rules governing</p>	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants’ Arguments</u>: the Claimants’ NAFTA claim does not include allegations “regarding the impact of the Alberta Decisions on 	The Respondent’s objections regarding Requests Concerning the Regulatory Regime and regarding the relevance and materiality to the Claimants’ arguments are meritless. The requested records are relevant to the assertions made by the Respondent regarding the extent to which “rules of	<p>Ordered</p> <ul style="list-style-type: none"> from the locations identified in Claimants’ Response <i>in fine</i> (i.e. the Boards and NRC)

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	presentations within the Respondent's control or possession regarding the impact of the Alberta Decisions on policies or practices governing disclosure of seismic materials.		<p>the public release of seismic data materials in Canada are either long-standing or widely-known.</p> <p>The Respondent appears to admit that the disclosure policy of the CNLOPB changed after the Alberta Decisions, such that CNLOPB began to create PDF copies of requested seismic materials and send them to members of the public, whereas previously only paper copies were disclosed to requestors, who could use third party copying companies to make copies. Any such changes in</p>	<p>policies or practices governing disclosure of seismic materials". Their Article 1110(1) allegation rests on the theory that the Alberta Court Decisions issued a compulsory licence and prohibited GSI from enforcing GSI's intellectual property rights in domestic courts, which effectively confiscated GSI's copyright and deprived GSI of value. The Article 1106(1)(f) claim relies on the allegation that the Alberta Courts "enforced" a requirement on GSI to transfer proprietary knowledge to the Boards or third parties. Neither of these claims concern changes to the Regulatory Regime after the Alberta Court</p>	<p>the game" governing submission, disclosure and copying of seismic data under the Regulatory Regime, have been "stable" and "consistent and predictable for decades".¹⁷ The extent to which the Alberta Decisions precipitated changes in policies or practices governing disclosure of seismic materials is plainly material to testing the Respondent's assertion that the "rules of the game" have remained consistent both before and after the Alberta Decisions.</p> <p>The Respondent's publicly available information objection is baseless. The request does not merely seek current policies or practices governing</p>	<ul style="list-style-type: none"> to the extent not publicly available online

¹⁷ Counter-Memorial, para 102.

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			<p>policy or practice resulting from the Alberta Decisions are relevant to determining whether the rules governing the public release of seismic data materials in Canada were long-standing and widely-known as asserted by the Respondent.</p>	<p>Decisions. Accordingly, the request is irrelevant and immaterial to the outcome of the arbitration. The Claimants' attempt to seek new evidence to support new potential claims against Canada is improper.</p> <ul style="list-style-type: none"> • <u>3(b) Publicly-Available Information</u>: the Claimants' request seeks information that is in the public domain. Indeed, the Claimants can conduct their own analysis of potential impacts of the Alberta Court Decisions on policies or practices governing disclosure of seismic materials, as such policies or practices are publicly-available. • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the 	<p>disclosure, but rather seeks the Respondent's internal records that discuss or analyze the impact of the Alberta Decisions on such policies and practices. The material issue is whether the Respondent's own analyses support the assertions they have made that the Alberta Decisions had no impact on the "rules of the game".</p> <p>The Respondent's rejections regarding the breadth of the request are unfounded. The subject matter is a narrow factual question (whether the Alberta Decisions had an impact on disclosure policies or practices, and the scope of the request relates to the discrete categories of documents (correspondence, internal memoranda, briefing notes,</p>	

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				<p>Claimants assert that they “deny the rules governing the public release of seismic data materials in Canada are either long-standing or widely-known.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers “the impact of the Alberta Decisions on policies or practices governing disclosure of seismic materials”. The scope of the Claimants’ request, which includes “[a]ll correspondence, internal memoranda, 	<p>backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding the Respondent’s understanding of the answer to this question. It is not possible for the Claimants to provide further specificity, as the Respondent has exclusive knowledge of the extent to which such analysis occurred and what types of documents are likely to have been generated in the process.</p> <p>The requested documents are likely to be located in the records of a discrete number of governmental entities, most likely the Boards and NRC.</p>	

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				<p>briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations” is also overbroad. The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(c) Overbroad Coverage of Governmental Entities:</u> the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 		
24.	All correspondence, internal memoranda,	<ul style="list-style-type: none"> • Statement of Defence, ¶ 8. 	The Respondent alleges that the “rules governing the public release of seismic	The Respondent objects to the request on the following bases:	The Respondent’s objections regarding Requests Concerning the Regulatory Regime and	Ordered

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	briefing notes, backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations within the Respondent's control or possession regarding the CNSOPB's decision to not to proceed with the proposal discussed at ¶ 68 of the Counter-Memorial to make non-exclusive survey materials available online and in digital format.	<ul style="list-style-type: none"> Counter-Memorial, ¶ 64. 	<p>data materials in Canada are long-standing and widely-known" (Statement of Defence, ¶ 8).</p> <p>The Claimants expressly deny the rules governing the public release of seismic data materials in Canada are either long-standing or widely-known.</p> <p>The CNSOPB's decision to not to proceed with the proposal discussed at paragraph 68 of the Counter-Memorial is relevant to whether the rules governing the public release of seismic data materials in Canada were long-standing and widely-</p>	<ul style="list-style-type: none"> <u>1(a) Request Concerning the Regulatory Regime:</u> the requested documents regarding the CNSOPB's policies are irrelevant to the Claimants' allegations on the Alberta Court Decisions and plainly concern only the Regulatory Regime. In fact, the requested information pre-dated the Alberta Court Decisions by many years. Regardless of whether the Claimants disliked certain policies under the Regulatory Regime on making seismic materials available online, those issues are irrelevant to the points in the Article 1110(1) and Article 1106(1)(f) claims 	<p>legal argumentation are meritless. As set out in General Responses 1 and 5, and in other responses above, such records relating to the Regulatory Regime are material to testing the "rules of the game" defences asserted by the Respondent.</p> <p>The requested internal records are material to assessing the Respondent's assertions regarding the extent to which "rules of the game" governing submission, disclosure and copying of seismic data under the Regulatory Regime, were "stable" and "consistent and predictable for decades".¹⁸ Evidence of changes to such "rules" or evidence that the Respondent considered or</p>	

¹⁸ Counter-Memorial, para 102.

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			known or have changed over time or have been threatened to change.	<p>over which the Tribunal is seized.</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the Claimants mention their position that they “deny the rules governing the public release of seismic data materials in Canada are either long-standing or widely-known.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions. • <u>2(a) Overbroad Subject and Scope</u>: the scope of this request is extremely overbroad, as it covers “[a]ll correspondence, internal memoranda, briefing notes, 	<p>threatened such changes, is particularly material to assessing the alleged stability, consistency and predictability of these “rules”.</p> <p>Further, the Respondent’s motivations for making or considering such changes is also material to ascertaining the Respondent’s understanding and state of mind as to the “rules of the game” and whether such rules were in fact stable or consistent, or could be unilaterally changed by the Respondent.</p> <p>Similarly meritless is the objection regarding the scope of the request, which seeks discrete categories of documents (correspondence, internal memoranda, briefing notes, backgrounders, reports, plans, discussion papers,</p>	

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				backgrounders, reports, plans, discussion papers, meeting minutes, planning documents, analyses, or presentations”. The Claimants fail to request narrow, specific, relevant and material documents.	meeting minutes, planning documents, analyses, or presentations) which appear to the Claimants to be reasonably likely to have information regarding the Respondent’s decision-making. It is not possible for the Claimants to provide further specificity, as the Respondent has exclusive knowledge of the how such decisions were made and what types of documents are likely to have been generated in the process.	
25.	Any records relied on by Mr. Hobbs to support his assertions that: <ul style="list-style-type: none"> “most governments require data disclosure after a reasonable period. This is known and 	<ul style="list-style-type: none"> Hobbs Report, ¶ 76. Counter-Memorial, ¶ 69. 	Mr. Hobbs’ statements in this regard are relied on by Canada to argue that its rules governing disclosure and copying of seismic data are similar to those of foreign jurisdictions, and that “the global	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>3(b) Publicly-Available Information</u>: the requested information on foreign governments’ rules governing submission disclosure and copying of seismic material is available 	The objection regarding to publicly available information is baseless. The request is focused narrowly on documents relied on by Mr. Hobbs to support his assertions. Only Mr. Hobbs, and presumably the Respondent, knows what information Mr. Hobbs relied on to support his	Denied

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	<p>understood throughout the industry” and; In the federal waters of the US, geophysical data is not released to the public for at least 25 years. From a global perspective, this is a relatively long time [...]. Elsewhere around the world, such as in Norway, the United Kingdom, Australia and Brazil, data confidentiality periods last 5-15 years.”</p>		<p>seismic industry and their oil and gas company customers are well-aware of those rules and always take them into account when making their decisions to invest in a seismic survey” (Counter-Memorial, ¶ 69).</p> <p>The Claimants dispute that most governments have rules governing submission disclosure and copying of seismic material that are similar to Canada. Mr. Hobbs references only a fraction of the countries which regulate offshore oil and gas development. Disclosure of the requested records is necessary to test Mr.</p>	<p>online, on official foreign governments’ websites. The Claimants can conduct their own research to address this point of fact regarding other governments’ policies.</p> <ul style="list-style-type: none"> • <u>1(d) Stated Reasons Are Matters of Legal Argumentation</u>: the Claimants assert that they “dispute that most governments have rules governing submission disclosure and copying of seismic material that are similar to Canada.” Where the Claimants disagree with Canada’s interpretation of certain points of fact, they may advance arguments to support their interpretation in their written submissions. They are also free to cross- 	<p>assertions. To the extent that Mr. Hobbs relied on records from public sources of information, the Respondent should specifically identify such sources and produce such records so that the basis of his assertions can be tested. To the extent that Mr. Hobbs did not rely on any records or sources to support his assertions, this information is also material to testing his assertions.</p> <p>The objection regarding legal argumentation is similarly baseless. The Respondent relies on Mr. Hobbs’ assertions of fact in argument, and the Claimants merely point out that the Respondent’s arguments in this regard are disputed. The Claimants can make arguments in response to the</p>	

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			Hobbs' assertion that "most governments" have such rules, and that a 25 year confidentiality period is "a relatively long time." (Hobbs Report, ¶ 76).	examine Mr. Hobbs on his expert opinions at the appropriate stage of the proceedings.	Respondent's arguments, and may adduce their own evidence to do so. However, this is a distinct issue and process from testing the reliability and validity Mr. Hobbs factual assertions, which testing cannot meaningfully be done in the absence of the requested information.	
26.	Any records regarding or demonstrating the extent to which any seismic data referred to in ¶ 79 of the Counter-Memorial had actually been accessed and copied by the public prior to the Geophysical Speculative Acquisition in 1993.	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 79-81. Claimants' Memorial, ¶¶ 60-61. 	Canada asserts that the Claimants knew or ought to have known at the time of the Geophysical Speculative Acquisition that the seismic materials submitted by Halliburton and its predecessors to government regulators were already in the public domain and were available for copying	The Respondent objects to the request on the following basis: <ul style="list-style-type: none"> <u>3(a) Claimants' Possession, Custody or Control</u>: the Claimants already possess, have custody over or control documents concerning the Claimants' assertions regarding their own knowledge that the seismic materials submitted by Halliburton and its predecessor to government regulators 	The Respondent's arguments regarding irrelevancy and immateriality, the Regulatory Regime, and regarding responsive records being in the Claimants' possession, custody or control are baseless. The request does not relate to documents material to "the Claimants' assertions regarding their own knowledge". Rather, the request relates to records which are material	Ordered

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			<p>without compensation to intellectual property rights holders.</p> <p>The Claimants position is that prior to 1999, they were not aware:</p> <ul style="list-style-type: none"> • of what disclosure, if any, of seismic data was being made by any government regulator to third parties; and • that any copying of seismic data was being done or facilitated by the Respondent. <p>(Claimants' Memorial, ¶¶ 60-61)</p> <p>In order to determine whether the Claimants had, or</p>	<p>were already in the public domain by 1993. The Claimants have not alleged or established that it would be unreasonably burdensome for them to rely on their own copies of these documents.</p> <ul style="list-style-type: none"> • <u>1 (c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments</u>: the "Reasons for Request" present no relation to allegations or claims that the Claimants have advanced in the arbitration. The Claimants have not alleged they did not know that the seismic materials submitted by Halliburton and its predecessor to government regulators were already in the public domain by 1993. • <u>3(b) Publicly-Available Information and 1(d)</u> 	<p>to testing the Respondent's assertions that the Claimants already had knowledge that the Respondent was facilitating access and copying of their data at the time of the Geophysical Speculative Acquisition in 1993. The Respondents have made these positive assertions in support of its "rules of the game" assertions discussed in General Responses 1 and 5, as well as in numerous individual responses above. These "rules of the game" arguments are central to the Respondent's limitations defences and its defences on the merits.</p> <p>Respondent's assertion regarding the Claimants' knowledge is disputed, and contrary to the Respondent's bare assertion, are unable to</p>	

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			ought to have had, the knowledge alleged by the Respondent, it is necessary to determine whether and to what extent any disclosure and copying of the seismic data referred to in ¶79 of the Counter- Memorial actually occurred. If no such disclosure and copying had occurred, the Claimants could not have had knowledge of it.	<p><u>Stated Reasons Are Matters of Legal Argumentation:</u> the request seeks information that is in the public domain. Indeed, ¶¶ 79-81 of the Counter-Memorial contain statements on the public availability of Delaware GSI’s seismic materials. The Claimants may challenge the implications of these facts for their actual and constructive knowledge in their written submissions.</p> <ul style="list-style-type: none"> • <u>1(a) Request Concerning the Regulatory Regime:</u> the request for records on public access of Delaware GSI’s data plainly concerns the Claimants’ challenge of the Regulatory Regime. It is irrelevant and immaterial to the Article 1110(1) and 1106(1)(f) claims on the 	identify any records in its possession indicating that access and copying of the referenced data had already been facilitated by the Respondent at the time of the Geophysical Speculative Acquisition. If the Respondent has records that are material to testing its assertion that access and copying had occurred and was known to the Claimants at the relevant times, it ought to produce them. Alternatively, if the Respondent has no such records, confirmation of same would similarly be material to testing the Respondent’s assertions.	Regarding the Respondent’s objection that the request is overbroad, the subject matter and scope of the request is as narrow as possible to

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				<p>Alberta Court Decisions. In fact, the requested information pre-dated the Alberta Court Decisions by many years.</p> <ul style="list-style-type: none"> • <u>2(a) Over-broad Subject and Scope</u>: the subject matter of this request is extremely overbroad, as it covers “[a]ny records regarding or demonstrating the extent to which any seismic data [...] had actually been accessed and copied by the public prior to the Geophysical Speculative Acquisition in 1993”. The Claimants fail to request narrow, specific, relevant and material documents. The production of such records would be overburdensome for Canada. 	<p>meaningfully test the Respondent’s assertions that the referenced access and copying actually occurred in the referenced time period. The Respondent has produced numerous records providing the requested information for subsequent time periods, and as such, already knows what such records look like and where they can be located. The clear inference to be drawn from the past failure and current refusal by the Respondent to adduce any similar records for the requested time frame is that no such records exist. Conducting a search to confirm whether this inference is true is not overly burdensome.</p>	

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27.	Report and underlying materials provided by ABG Sundal Collier and/or John Olaisen as referenced in Figure 1, Figure 2, and Figure 6 in the Hobbs Report.	<ul style="list-style-type: none"> Hobbs Report, Figures 1, 2 and 6. 	It is not possible to determine the accuracy and veracity of these Figures unless the underlying report and materials is provided.	Canada agrees to produce documents that are responsive to this request. The publisher of the report, ABG Sundal Collier, has granted access of the full report to the Claimants and Tribunal, subject to the designation of the report as confidential as it is only available by paid subscription.	Parties agreed.	No decision required
28.	Report and underlying materials provided by SpareBank Markets and/or Christopher Møllerløgkken, as referenced in Figure 7 of the Hobbs Report.	<ul style="list-style-type: none"> Hobbs Report, Figure 7. 	It is not possible to determine the accuracy and veracity of this Figure unless the underlying report and materials is provided.	Canada agrees to produce documents that are responsive to this request. The publisher of the report, SpareBank Markets, has granted access of the full report to the Claimants and Tribunal, subject to the designation of the report as confidential as it is only available by paid subscription.	Parties agreed.	No decision required

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29.	Raw downloaded data detail in excel format underlying Annex I, II- A, II- B, II-C, II-D and II- E of the Witness Statement of Trevor Bennett.	<ul style="list-style-type: none"> RWS-02 – Witness Statement of Trevor Bennett, dated January 16, 2023, Annex I, II-A, II-B, II-C, II-D and II-E. 	It is not possible to determine the accuracy and veracity of these maps unless the underlying data is provided.	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>3(b) Publicly-Available Information and 3(a) Claimants’ Possession, Custody or Control</u>: the request seeks information that is obtainable by the Claimants directly from the CNLOPB website. The only information in the Bennett Witness Statement annexes that is not available on the CNLOPB website is that of GSI’s seismic data, which is already in the Claimants’ possession. 	The Claimants have been unable to identify where on the CNLOPB website the requested raw downloaded data detail in excel format is available for download. If the requested information is easily obtainable from this website, the Respondent ought to identify where by providing the relevant URL or, alternatively, should simply provide a copy of the downloaded data.	<p>Ordered</p> <ul style="list-style-type: none"> as narrowed by Claimants in the Response
30.	A summary of how many seismic surveys have been submitted to the Respondent pursuant to the Regulatory Regime	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 104, 321, and 459. Hobbs Report, ¶ 76. 	Mr. Hobbs asserts that, notwithstanding the disclosure requirements of the Regulatory Regime, Canada is a successful market for MC (as that abbreviation is	<p>The Respondent objects to the request on the following bases:</p> <ul style="list-style-type: none"> <u>1(a) Requests Concerning the Regulatory Regime</u>: the “Reasons for Request” – “the extent to which the 	The Respondent’s objection based on Requests Concerning the Regulatory Regime are meritless. The Reasons for Request expressly reference the effect of the Alberta Decisions on seismic	<p>Ordered</p> <ul style="list-style-type: none"> with emphasis on para 11 of PO 2

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	each year between 1960 and 2022.	<ul style="list-style-type: none"> RER-4 - Expert Report of Darrell Chodorow and Alexis Maniatis, 16 January 2023 (“Brattle Report”), ¶ 36. 	<p>defined in the Hobbs Report) seismic data “as evidenced by the ongoing investment by global companies like TGS and PGS continuing to acquire seismic data in offshore Newfoundland and Labrador.” (Hobbs Report ¶ 76).</p> <p>The Brattle Report relies on Mr. Hobbs’ assertions in this regard to assert that despite being subject to the same regulatory and disclosure framework as GSI, GSI’s competitors such as PGS and TGS continue to operate in Canada. The Brattle Report asserts that because PGS and TGS continue to</p>	<p>Alberta Decisions impacted industry-wide investments in offshore seismic data governed by the Regulatory Regime” – concern allegations the Claimants have not advanced in the arbitration.</p> <ul style="list-style-type: none"> <u>3(b) Publicly-Available Information</u>: the request seeks information – “how many seismic surveys have been submitted to the Respondent pursuant to the Regulatory Regime each year” – that is publicly-available and accessible to the Claimants through the Boards’ websites, publications or premises. <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely overbroad, as it covers “[a] summary of 	<p>investments in Canada, and to not relate to any aspect of the Regulatory Regime. As noted, the Respondent relies on assertions regarding the allegedly “successful market” in Canada after the Alberta Decisions for non-exclusive seismic companies which are GSI’s competitors to argue that the Alberta Decisions are not the cause of the destruction of GSI’s business. The Respondent, as opposed to the Claimants, have alleged that the Alberta Decisions have not negatively impacted Canada as a successful market for non-exclusive seismic companies, such that factors unrelated to the Alberta Decisions must have caused the destruction of GSI’s business. The Respondent’s assertions in</p>	<ul style="list-style-type: none"> from the location identified in Claimants’ Response in fine (i.e. the Boards)

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			<p>operate in Canada after the Alberta Decisions, GSI's failure cannot be attributable to Alberta Decisions (Brattle Report, ¶ 36).</p> <p>The requested information is necessary to test the foregoing assertions regarding the extent to which the Alberta Decisions impacted industry-wide investments in offshore seismic data governed by the Regulatory Regime.</p>	<p>how many seismic surveys have been submitted to the Respondent". The Claimants fail to request narrow, specific, relevant and material documents.</p> <ul style="list-style-type: none"> • <u>2(b) Overbroad Time-Period</u>: the request sets a time-period exceeding 50 years, which is significantly overboard. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not specify which level of government, department or regulatory body is concerned by the request. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents. 	<p>this regard would be undermined to the extent that there has been a material reduction in non-exclusive seismic investment in Canada since the Alberta Decisions. The requested information is material to testing the Respondent's assertions that GSI's allegedly poor business decisions are the cause of its business failing, as opposed to the Alberta Decisions.</p> <p>The Respondent's publicly available information objection is unfounded. The Respondent fails to point to any publicly available documents that provide a summary of how many seismic surveys have been submitted to the Respondent pursuant to the Regulatory Regime each year between 1960 and</p>	

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					<p>2022, and to the Claimants knowledge, no such documents are published by the Boards. However, to the extent that such summaries do exist, they are not currently in the possession of the Claimants and ought to be produced in response to this request.</p> <p>The respondent's objections that the request is overbroad are bare assertions that are plainly contradicted by the Respondent's assertion that the requested summaries are publicly available from the Boards. The request is incredibly narrow, as it requests only summaries of total submissions in each historical year, which summaries are in the current possession of the Respondent. Notably, the Respondent does not object</p>	

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					to this request on the basis that it would have to create records to respond to this request. This implies that the Respondent has already identified specific responsive summaries for the referenced time period in its records, which undermines its assertion that the request is overbroad. The entities possessing such summaries are likely to be Boards, as the Respondent admits in its objection regarding publicly available information.	
31.	All records, including flows of funds, related to any service contracts, joint ventures, or partnerships the Respondent or any of its agencies	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 104, 321, and 459. Hobbs Report, ¶ 76. Brattle Report, ¶ 36. 	The Respondent asserts that “GSI’s competitors such as PGS and TGS were subject to the same Regulatory Regime in Canada and other jurisdictions with confidentiality	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(e) Third-Party Conduct</u>: the request concerns the conduct of third parties, which is not related to the Claimants’ claim. The requested records, if they 	The Respondent’s objections regarding third party conduct and lack of relevance and materiality are baseless. It is the Respondent that has relied on the alleged success and conduct of GSI’s third party competitors to show that	<p>Ordered</p> <ul style="list-style-type: none"> as regards contracts with and income from the identified companies,

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	entered into with GSI's competitors (and in particular, TGS and QC Data), between 2000 and November 30, 2017.		<p>periods of similar length, and yet were successful." The Respondent further asserts that the success of GSI's competitors such as PGS and TGS is evidence that GSI's failure is not attributable to the Alberta Decisions.</p> <p>(Counter- Memorial, ¶ 459).</p> <p>The requested records are required to test the Respondent's assertion in this regard, because it is necessary to ascertain the extent to which the success of GSI's competitors is attributable to steps taken by the Respondent to support or otherwise</p>	<p>exist, of "any service contracts, joint ventures, or partnerships the Respondent or any of its agencies entered into with GSI's competitors" are not relevant and material to the outcome of the arbitration.</p> <ul style="list-style-type: none"> • <u>3(c) Third-Party Information and 4(a) Third-Party Confidential Information</u>: the requested records, if they exist, may contain confidential third-party information. Canada is unable to disclose such information without the authorization of such parties. • <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants' Arguments</u>: the Claimants' Articles 1110(1) and 	<p>GSI's business decisions, and not the Alberta Decisions, are the cause of the failure of GSI's business. Having relied on alleged relative success of these third parties as a key element of its defence, the Respondent cannot now assert that factors which have resulted in these competitors being more successful than GSI are not relevant and material to the outcome of the arbitration.</p> <p>The Respondent speculates that the requested records "may contain confidential third party information". Such speculation cannot be basis for refusing to conduct a search for responsive records. To the extent that records are identified which do contain genuinely sensitive commercial information</p>	<ul style="list-style-type: none"> • and in application of para 12 of PO 2 as called for

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			provide special treatment to GSI's competitors, or to undermine GSI's ability to compete.	1106(1)(f) claims do not advance allegations on "steps taken by the Respondent to support or otherwise provide special treatment to GSI's competitors, or to undermine GSI's ability to compete". While the Claimants included such allegations as part of their NOI in 2018, these allegations were specifically not included in their NOA in 2019. In addition, the "Reasons for Request" – "that the success of GSI's competitors such as PGS and TGS is evidence that GSI's failure is not attributable to the Alberta Decisions" – are a mischaracterization of the Respondent's argument regarding GSI's competitors. The request is irrelevant and	regarding third parties, this information can be protected from public disclosure pursuant to the Confidentiality Order and designation process which the parties have already engaged in for the evidence and arguments already submitted to the Tribunal. Further, the Respondent chose to invoke the success of these third parties as a key element of its defence; therefore, to the extent that the Respondent lacks legal authority to produce records necessary to prove its assertions, such assertions cannot be given any weight and ought to be withdrawn. The Respondent's "overbroad" objections are unfounded. The request seeks records regarding a discrete and narrow set of	

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				<p>immaterial to the outcome of the arbitration. The Claimants' attempt to seek new evidence to support new potential claims against Canada is improper.</p> <ul style="list-style-type: none"> • <u>2(a) Overbroad Subject and Scope</u>: the subject matter of this request is extremely over-broad, as it covers “any service contracts, joint ventures, or partnerships the Respondent or any of its agencies entered into with GSI’s competitors”. The scope of the request, which concerns “[a]ll records” is also over-broad. The Claimants fail to request narrow, specific, relevant and material documents. • <u>2(c) Overbroad Coverage of Governmental Entities</u>: the Claimants do not 	<p>events or conduct by the Respondent, which the Respondent reasonably expects may have contributed to the success of GSI’s competitors which is relied on by Respondent. It is not possible for the Claimants to provide further specificity as to the types of potentially responsive records, as the Respondent has exclusive knowledge of the referenced conduct or events, and the types and locations of documents are likely to have been generated as a result of such conduct or events, although it appears reasonably likely that the primary government entities are the Boards and NRC.</p>	

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				specify which level of government, department or regulatory body is concerned by the request, but rather request documents from “the Respondent or any of its agencies”. As framed, the request is overbroad and not limited to a narrow and specific category of relevant and material documents.		
32.	All records relating to Respondent’s decision to approve the flagging of the seismic survey vessel called Sanco Spirit, operated by GSI’s competitor PGS.	<ul style="list-style-type: none"> Counter-Memorial, ¶¶ 104, 321, and 459. Hobbs Report, ¶ 76. Brattle Report, ¶ 36. 	The Respondent asserts that “GSI’s competitors such as PGS and TGS were subject to the same Regulatory Regime in Canada and other jurisdictions with confidentiality periods of similar length, and yet were successful.” The Respondent further asserts that the	The Respondent objects to the request on the following bases: <ul style="list-style-type: none"> <u>1(c) Stated Reasons Are Irrelevant and Immaterial to the Claimants’ Arguments</u>: the Claimants’ Articles 1110(1) and 1106(1)(f) claims do not advance allegations on “steps taken by the Respondent to support or otherwise provide special 	The Respondent’s objection that this request lacks relevance and materiality is baseless. It is the Respondent that has relied on the alleged success and conduct of GSI’s third party competitors to show that GSI’s business decisions, and not the Alberta Decisions, are the cause of the failure of GSI’s business. Having relied on alleged relative success of	<p>Ordered</p> <ul style="list-style-type: none"> in application of para 12 of PO 2 as called for

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			<p>success of GSI's competitors such as PGS and TGS is evidence that GSI's failure is not attributable to the Alberta Decisions.</p> <p>(Counter-Memorial, ¶ 459).</p> <p>The requested records are required to test the Respondent's assertion in this regard, because it is necessary to ascertain the extent to which the success of GSI's competitors is attributable to steps taken by the Respondent to support or otherwise provide special treatment to GSI's competitors, or to</p>	<p>treatment to GSI's competitors, or to undermine GSI's ability to compete". The Claimants have not established how the approval of a flagging of "Sanco Spirit" more than a decade ago falls has anything to do with the Alberta Court Decisions. Thus, the request is irrelevant and immaterial to the outcome of the arbitration.</p> <ul style="list-style-type: none"> • <u>3(c) Third-Party Information and 4(a) Third-Party Confidential Information</u>: the requested documents may contain confidential third-party information. Canada is unable to disclose such information without the authorization of such parties. 	<p>these third parties as a key element of its defence, the Respondent cannot now assert that steps it has taken to ensure that these competitors are more successful than GSI are not relevant and material to the outcome of the arbitration.</p> <p>As noted above in response to Request 31, speculation that the requested records "may contain confidential third party information." cannot be basis for refusing to conduct a search for responsive records. To the extent that records are found which do contain genuinely sensitive commercial information regarding third parties, this information can be protected from public disclosure pursuant to the Confidentiality Order.</p>	

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			undermine GSI's ability to compete.		Further, the Respondent chose to invoke the success of these third parties as a key element of its defence, so to the extent that the Respondent lacks legal authority to produce records necessary to prove its assertions, such assertions cannot be given any weight and ought to be withdrawn.	

Schedule "A"

GOVERNMENT PROJECT NO.	AREA	SURVEY NAME / YEAR	ACQUIRED KMS
528-9-10-72-2 (528-9- 12-72-3,4)	Baffin Bay	BAFFIN BAY 1972	5919.8
528-09-12-0006	Baffin Bay	BAFFIN BAY 1974	3432.7
528-09-12-0009	Baffin Bay	BAFFIN BAY 1975	2284.3
528-09-12-0015	Baffin Bay	BAFFIN BAY 1977	658.0
9424-G005-009P	Beaufort/Amauligak	AMAULIGAK 1990 3D	556 sq. kms (2686.0 kms)
833-09-08-01	Beaufort/Amauligak	AMUNDSEN GULF 1971	1086.2
838-09-08-81-0001	Beaufort/Amauligak	BEAUFORT SEA 1981	2312.6
unknown	Great Lakes	GREAT LAKES 1986	549.1
unknown	Great Lakes	LAKE ERIE 1980	232.5
838-09-08-77-0001	High Arctic/Banks Island	BANKS ISLAND 1977	666.2
838-09-08-81-0002	High Arctic/Banks Island	BANKS ISLAND 1981	854.6
unknown	Labrador	LABRADOR 1980 (XMAS SPEC)	88.3
9229-W27-1P	MacKenzie Basin	NORMAN WELLS 1996 - Land Data	127.7
9229-W27-2P	MacKenzie Basin	NORMAN WELLS 1997 - Land Data	57.5
unknown	MacKenzie Delta	ESKIMO LAKES 1973	35.4
528-06-07-73-01	Mackenzie Delta	DELTA PROJECT 1973	406.6
unknown	Mackenzie Delta	ICE SURVEY 1973	54.2
833-09-08-73-01	Mackenzie Delta	PHOENIX VENTURES 1973	852.6
705-09-08-73-01	Mackenzie Delta	SHALLOW WATER (AQUAFLEX) 1973	305.7
705-09-08-73-01	Mackenzie Delta	SHALLOW WATER AIRGUN (SSW) 1973	196.8