

**IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE  
NORTH AMERICAN FREE TRADE AGREEMENT AND THE  
UNCITRAL ARBITRATION RULES, 1976**

**-BETWEEN-**

**THEODORE DAVID EINARSSON, HAROLD PAUL EINARSSON, RUSSELL JOHN  
EINARSSON, GEOPHYSICAL SERVICE INCORPORATED**

**(the “Claimants”)**

**-AND-**

**GOVERNMENT OF CANADA**

**(the “Respondent”)**

**(ICSID Case No. UNCT/20/6)**

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**WITNESS STATEMENT OF GEORGE LAU**

**CWS-09**

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## **I. INTRODUCTION**

1. I make this Witness Statement based on my personal involvement in the matters contained in this Witness Statement, based upon my personal knowledge, except where based upon information and belief, which I verily believe to be true.

### **A. Background**

2. I have a BSc 1970 from the University of Manitoba with a major in geology, with some course work in geophysics later in the 1970s. I wrote a thesis on synthetic seismograph. I started working in the seismic industry in 1979.
3. I have been a member of APEGA registered as a PGeo, and a member of the Canadian Society of Exploration Geophysicists.
4. I first started working with a company called Geodigit CGG. I joined an entity called Geophysical Service Inc. (“Old GSI”) in 1981 until around 1988 or 1989. I went on to work for various other entities over the years and retired in January 2013.
5. While working for Geodigit, I had many months of on the job training for hand processing. In order to learn how to do seismic processing, one must engage on a seismic data project and “get your hands dirty” and then, as you learn on the job, you gain more experience, you also make judgments about what parameters to choose to process the field data to make processed data. In my experience, it is vital to work on a project and gain experience, and then you can develop basic skills for processing over the course of most of a year or longer.
6. While working for Old GSI, I worked for the marine department and later in the land department in Calgary, Alberta. I was a party chief, supervised by Sam Nader. As a party chief, I supervised a group of individuals who were involved in processing offshore seismic data, because that work is a collective group effort.
7. On a daily basis while working for Old GSI, for seismic data processing, we would ensure we received the data from the field (from the boat), the magnetic tapes containing the field data, the observers notes, navigation information. The individual called the “transmitter” ensured that everything was shipped to the office in Calgary.

8. After the group worked on processing a seismic section, usually using proprietary GSI processes, algorithms, software and even hardware, I would then conduct quality control on the work performed by the group. Quality control was important in the process because it would check that reasonable skill and judgment was used in selecting the numerous parameters to choose from in processing a seismic section and that they were applied appropriately. There is no single correct way to process seismic data, and it requires experience and know how to do it well. At Old GSI, it was important to produce reasonably processed seismic sections based on my experience and know how to do so, in order to sell or license seismic data to customers. My team and I were hired for our skills in doing so and expected to perform our tasks based on our skills and judgment from our experience in processing seismic data.
9. While at Old GSI, there were many things that we needed to review and check in order to create a final seismic section, including information about the boat, the observer reports, tapes containing the field data, attributes of the data itself, the navigation data, and the geologic conditions related to the specific area in which the field data was created, etc. We were instructed to produce the best section to accurately reflect the geology of the area for which the seismic data was supposed to image.
10. I testified during the proceedings for a case between *Geophysical Service Incorporated v 612469 Alberta Limited (CalWest Printing & Reproductions)*, Court of King's Bench of Alberta Action No. 1101-15306 (the "Common Issues Proceedings"). I spoke about specific seismic sections that were exhibited during that proceeding relating to the Sable Island and Gulf of St. Lawrence areas in offshore Canada, a redacted true copy of which is attached hereto as **C-317**<sup>1</sup>. I affixed my signature to those seismic sections as part of the side label for that data, as I did for many other seismic sections while working for Old GSI, because I was the party chief for those seismic sections and conducted quality control on the processing of those sections. Various members of the group of individuals that I supervised would work together on processing seismic sections. That group would perform its function in Calgary, Alberta shortly after the boat/ship would create the field data.

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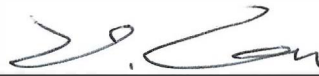
<sup>1</sup> **C-317**, Seismic Data of Project No. 8624-G5-6P exhibited in the trial of Action No. 1101-15306.

that I supervised would work together on processing seismic sections. That group would perform its function in Calgary, Alberta shortly after the boat/ship would create the field data. These practices would be adopted by all employees engaged in creating seismic data at Old GSI.

## II. CONCLUSION

1. I make this witness statement for the purposes of the NAFTA claim of Harold Paul Einarsson, Russel John Einarsson, Theodore David Einarsson, and GSI against Canada in this proceeding and for no other purposes.
2. I swear this witness statement in English and anticipate giving testimony at the hearing of this Arbitration in English. However, I note that my native language is Cantonese.
3. I affirm that the contents of this witness statement are true.

Signed at Richmond, BC on August 20, 2023



**GEORGE LAU**  
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**AB**