

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT
DISPUTES

Mobil Investments Canada Inc.

v.

Canada

(ICSID Case No. ARB/15/6)

PROCEDURAL ORDER NO. 4

Members of the Tribunal

Sir Christopher Greenwood QC, President of the Tribunal

Dr. Gavan Griffith QC, Arbitrator

Mr. J. William Rowley QC, Arbitrator

Secretary of the Tribunal

Ms. Martina Polasek

Assistant Secretary of the Tribunal

Ms. Kendra Magraw

May 18, 2016

Order: Production and Redaction of Documents

1. The Tribunal has received and considered the following submissions of the Parties:
 - *Concerning the Production of Documents:*
 - The Respondent's requests for the production of documents of March 29, 2016;
 - The Claimant's objections to Canada's requests for the production of documents of April 12, 2016;
 - The Respondent's responses to Mobil's objections of April 22, 2016;
 - The Parties' joint letter of May 3, 2016;
 - The Respondent's letter of May 5, 2016;
 - The Claimant's letter of May 12, 2016.
 - *Concerning the Redaction of Documents:*
 - The Claimant's letter of April 8, 2016;
 - The Respondent's letter of April 18, 2016;
 - The Claimant's letter of April 26, 2016;
 - The Respondent's letter of May 11, 2016.
2. The Tribunal's decisions on the Respondent's document requests are set forth in the last column of the Redfern Schedule incorporated as Annex A to this Order.
3. In accordance with the time limit established in Annex A to procedural Order No. 1, the Claimant shall produce the documents ordered by the Tribunal by June 1, 2016.
4. The Claimant is not required at this stage to redact those portions of documents and witness statements containing confidential information, provided that the document or witness statement in question has been clearly marked as confidential in accordance with the requirements of Procedural Order No. 2. Should the question of publication or disclosure of any such document or witness statement arise in the future, the Claimant shall then be required to make the necessary redactions as a matter of urgency.

[signed]

On behalf of the Tribunal
Sir Christopher Greenwood QC
President of the Tribunal
Date: May 18, 2016

ANNEX A – PROCEDURAL ORDER NO. 4

Mobil Investments Canada Inc. v. Canada
ICSID Case No. ARB/15/6

CANADA'S REQUESTS FOR DOCUMENT PRODUCTION
March 29, 2016

MOBIL'S OBJECTIONS TO CANADA'S MARCH 29, 2016 REQUESTS
April 12, 2016

CANADA'S RESPONSES TO MOBIL'S OBJECTIONS
April 22, 2016

1. Pursuant to Procedural Order No. 1 of the Arbitral Tribunal dated November 24, 2015, and in conformity with Article 3(3) of the IBA Rules on the Taking of Evidence in International Arbitration (the "IBA Rules"), the Respondent, the Government of Canada hereby requests the Claimant, Mobil Investments Canada Inc. ("Mobil"), produce for examination, inspection and copying the documents described below on or before May 3, 2016.
2. Canada uses certain terms and abbreviations in its requests for documents, which have the following meanings:
 - a) "Accord Acts" means the Federal Accord Act and the Provincial Accord Act;
 - b) "and" means "and/or";
 - c) "Award" means the Award issued on February 20, 2015 in the *Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada* NAFTA Chapter 11 arbitration (ICSID Case No. ARB(AF)/07/4);
 - d) "Board" means Canada-Newfoundland and Labrador Offshore Petroleum Board and Canada-Newfoundland Offshore Petroleum Board, including the Board's past and present members, officers, employees, directors, or other representatives, to the extent they presently possess or control responsive material;
 - e) "CRA" means the Canada Revenue Agency;

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- f) "concerning" means addressing, relating to, referring to, describing, discussing, identifying, evidencing, constituting, and recording;
 - g) "Decision" means the Decision on Liability and on Principles of Quantum issued on May 22, 2012 in the *Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada* NAFTA Chapter 11 arbitration (ICSID Case No. ARB(AF)/07/4);
 - h) "Documents" is used in the broadest sense possible and includes, without limitation, all originals, non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise), and drafts, whether printed or recorded (through a sound, video or other electronic, magnetic or digital recording system) or reproduced by hand, including but not limited to writings, recordings, and photographs, letters, correspondence, purchase orders, invoices, telegrams, telexes, memoranda, records, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, "Post-It" notes, stenographic or other notes, opinions or reports of consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, checks (front and back), contracts, agreements, appraisals, analyses, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronically transmitted messages ("e-mail"), voice mail messages, inter-office communications, advertising, packaging and promotional materials, and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to all information contained in any computer or electronic data processing system, or on any tape, whether or not already printed out or transcribed;
 - i) "E&T" means education and training;
 - j) "Federal Accord Act" means the Canada-Newfoundland Atlantic Accord Implementation Act;
 - k) "Guidelines" means the 2004 Canada-Newfoundland and Labrador Offshore Petroleum Board Guidelines for Research and Development Expenditures;
 - l) "Hibernia" means the Hibernia oil field located in the North Atlantic Ocean, 315 kilometers east-southeast of St. John's, Newfoundland and Labrador;
 - m) "HMDC" means the Hibernia Management and Development Company Ltd.;
 - n) "including" means "including, but not limited to";
 - o) "NAFTA" means the North American Free Trade Agreement between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America;

- p) "NPI" means net profits interest;
 - q) "or" means "and/or";
 - r) "Province" means the Province of Newfoundland and Labrador;
 - s) "Provincial Accord Act" means the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act;
 - t) "SR&ED" means Scientific Research and Experimental Development;
 - u) "R&D" means research and development; and
 - v) "Terra Nova" means the Terra Nova oil field located in the North Atlantic Ocean, 350 kilometers east-southeast of St. John's, Newfoundland and Labrador.
3. The use of the singular form of any word includes the plural and vice versa.
4. For convenience, the Government of Canada has organized its requests for documents under the headings in the schedule below. A request for documents or categories of documents may be relevant to more than one heading. These headings are not intended to limit the documents or categories of documents that are to be produced pursuant to the requests in the schedule.
5. Canada requests the documents set out below which are material and relevant to the arbitration and are believed to be in the possession, custody or control of:
- a) Mobil Investments Canada Inc.;
 - b) ExxonMobil Canada Investments Company;
 - c) ExxonMobil Canada Finance Company;
 - d) ExxonMobil Canada Ltd;
 - e) ExxonMobil Canada Resources Co;
 - f) ExxonMobil Canada Hibernia Company Ltd;

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- g) ExxonMobil Canada Properties;
 - h) ExxonMobil Corporation;
 - i) ExxonMobil Upstream Research Company;
 - j) Hibernia Management & Development Company Ltd (the proponent of the Hibernia project); and
 - k) Suncor (the proponent of the Terra Nova project).

Mobil's Objection of April 12, 2016: Canada seeks documents from Mobil, as well as ten non-parties to this arbitration. The IBA Rules only entitle Canada to seek, and this Tribunal to order, documents "in [the] possession, custody or control" of Mobil. See IBA Rules, Article 3(4). Mobil agrees to search for responsive documents in the exclusive possession or custody of: Mobil, ExxonMobil Canada Investments Company, ExxonMobil Canada Finance Company, ExxonMobil Canada Ltd., ExxonMobil Canada Resources Co., ExxonMobil Canada Hibernia Company Ltd., ExxonMobil Canada Properties, and Hibernia Management & Development Company Ltd. With respect to any responsive documents in the exclusive possession or custody of ExxonMobil Corporation, ExxonMobil Upstream Research Company, and/or Suncor, Mobil lacks sufficient control to compel their production to Canada, and therefore documents held by these entities are outside the possession, custody or control of Mobil.

Canada's April 22, 2016 Response: Canada maintains its request that the Claimant produce any responsive documents in the possession, custody or control of ExxonMobil Corporation and ExxonMobil Upstream Research Company. The Claimant has proffered witness testimony from both current and former employees of both ExxonMobil Corporation and ExxonMobil Upstream Research Company. It is thus not credible for the Claimant to argue that it cannot compel the production of responsive documents from these companies. The Claimant has also made direct claims concerning its facilities at ExxonMobil Upstream Company.¹ It is thus the Claimant who has raised that company as an entity, not Canada. It would be prejudicial to Canada if the Claimant were permitted to not produce documents by hiding behind its various corporate entities.

The Claimant also seeks \$3,210,836.602 in compensation for 18 different R&D/E&T projects initiated by Suncor, the proponent of the Terra Nova project. The Claimant has not, however, proffered any evidence from Suncor concerning these projects. The Claimant has the right to access documents from Suncor pursuant to the Terra Nova Operating Agreement.³ The Claimant must exercise that right of access to identify and produce documents which are responsive to the request. If the Claimant cannot compel the production of documents, then it should withdraw its claim for damages from the Terra Nova project. It is highly prejudicial and unfair to Canada for the Claimant

¹ See e.g. **CW-5**, Noseworthy Statement, ¶ 23.

² Claimant's Memorial, Annex A. The incremental expenditures listed for Terra Nova amount to a total of \$16,899,140. Mobil's ownership of those expenditures is 19%.

³ **C-19**, Amended and Restated Terra Nova Development and Operating Agreement, July 18, 2003, s. 12.8(d).

to seek compensation for specific R&D/E&T expenditures at the Terra Nova project, but refuse to produce any documents concerning those projects. Canada notes that the Claimant produced documents from Petro-Canada (the former proponent of the Terra Nova Project) and Suncor in the Mobil/Murphy arbitration. In the alternative, should the Claimant produce no documents from Suncor concerning R&D/E&T spending at the Terra Nova project, Canada will move the Tribunal to account for the lack of this evidence in its final award, should an award of damages be made.

6. Additionally, as set forth in Procedural Order No. 2, all documents produced in *Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada* (ICSID Case No. ARB(AF)/07/4) ("Mobil I Arbitration") may be used by the disputing parties in this arbitration. For that reason, the following requests do not seek documents produced by Mobil to the Government of Canada in the course of the Mobil I Arbitration, except to the extent that these documents were subsequently modified or supplemented.
7. As Canada was instructed by the Tribunal in Procedural Order No. 3 (February 10, 2016), any documents redacted or withheld by Mobil on the basis of legal privilege should be listed in a privilege log.

Mobil's Objection of April 12, 2016: As indicated below in the Redfern Schedule, Mobil has provided adequate details of the nature of any legal privilege claimed, as well as the basis for its application to the particular request. If further information is required regarding Mobil's assertions of legal privilege, Mobil will produce such information if so directed by the Tribunal.

Canada's April 22, 2016 Response: Canada maintains its request that the Claimant produce a privilege log for all documents that are redacted or withheld on the basis of legal privilege. To order otherwise after having ordered that Canada file such a document would result in procedural unfairness in favour of the Claimant.

With regard to the two general points on which the Parties disagree, the Tribunal rules as follows:-

1. The Claimant shall produce any responsive documents in the possession, custody or control of ExxonMobil Corporation and ExxonMobil Upstream Research Company.
2. The Claimant shall produce a privilege log in respect of any document or part of a document in respect of which it asserts legal privilege.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
GENERAL					
1.	Documents since May 2012, including, but not limited to, correspondence between Claimant and other investors at Hibernia, concerning the interpretation, scope and effects of the Decision or Award on actual or projected incremental and ordinary course R&D and E&T expenditures at the Hibernia Project.	The requested documents are relevant and material to ascertaining the influence the Decision and the Award had on the Claimant's decision-making process as to how it should undertake R&D and E&T expenditures at Hibernia (Phelan, ¶¶ 34-39). As Arbitrator Sands noted in the Decision, "I note the curiosity of a situation in which the level of compensation to be paid, assuming it to arise, falls to be assessed by reference to the difference between the amount the Claimants say they would have spent on R&D and E&T under the existing Benefits Plans (by unilateral self-determination), on the one hand, and the amounts required to be paid under the 2004 Guidelines, on the other. <i>This may be a rare case in which a claimant is given such a role in contributing in this way to the assessment of the level of damages that it might in future be able to claim.</i> " (Decision, Sands Dissent ¶ 42). The impact of the Decision and the Award on	<p>A dissent to the Decision in the Mobil I Arbitration has no legal effect in those proceedings or in the present proceedings before this Tribunal. The dissent cannot bestow relevance or materiality on documents in this matter.</p> <p><u>Relevance/Materiality</u> The requested documents are irrelevant to the case and immaterial to its outcome.</p> <p>First, Mobil is one of several independent investors in Hibernia. Mobil, which indirectly holds a minority interest in the Hibernia field, is not the operator at Hibernia, and thus does not unilaterally control project expenditures. In other words, Mobil does not plan or manage R&D or E&T spending undertaken by the operator, HMDC. All incremental expenditure spending claimed in this arbitration (except for costs associated with issuance of certain letters of credit) was made by HMDC or Suncor in the</p>	<p><u>Relevance/Materiality</u> Canada is not relying on the legal effect of Arbitrator Sands' dissent in the Mobil I arbitration. Rather, Sands' dissent merely observes the entirely subjective nature of how the Claimant defines what is ordinary course and what is "incremental spending". Hence, the requested documents are relevant to Canada's defense and material to the outcome of the dispute because they evidence the impact of the Mobil I Decision or Award on the Claimant's spending under the Guidelines. Canada must be permitted to explore whether the Claimant's decision-making on expenditures has been unduly influenced by the Award and the prospect of recovery of its self-defined "incremental" expenditures against Canada.</p> <p>The Claimant alleges that the requested documents are not relevant or material because it does not make any decisions</p>	Canada's request is allowed. To the extent that privilege is claimed for any documents which are the subject of this request, a privilege log must be produced.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
		<p>Claimant's planning for R&D and E&T spending at Hibernia and Terra Nova is relevant and material to Canada's defense in this arbitration.</p>	<p>first instance as the operators of the Hibernia and Terra Nova projects, respectively. As such, Mobil does not make any "unilateral self-determination" as to incremental spending. This is explained in Mr. Phelan's first witness statement, which Canada mischaracterizes in its statement of relevance and materiality: at the indicated paragraphs, Mr. Phelan references HMDC's decision-making process, not Mobil's.⁴</p> <p>Second, Mobil's views on the "interpretation, scope and effects of the Decision or Award" are not relevant or material. As Canada argued in response to Mobil's document requests (<i>see</i> Procedural Order No. 3, Request No. 14), such documents are not relevant or material because "[t]he 'scope and effect' of the Decision and Award in this arbitration is a legal question</p>	<p>concerning R&D or E&T spending at the Hibernia or project, which is the responsibility of HMDC. This, however, conflicts with the testimony of Mr. Phelan who alleges that [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>"⁵ According to Mr. Phelan the Claimant has influence over HMDC's decision-making concerning R&D and E&T spending and thus the requested documents are relevant and material to ascertaining the influence of the Decision and the Award on that decision-making.</p> <p>Second, the Claimant alleges that the requested documents are not relevant and material in light of Canada's objection to the</p>	

⁴ See also CW-3, Sampath Statement I, ¶ 23, describing Mr. Sampath's responsibilities as HMDC's R&D Manager for planning R&D projects for the Hibernia project.

⁵ CW-1, Phelan Statement, ¶ 13. Under Document Request No. 14 below, Canada requests a single document referred to by Mr. Phelan at ¶ 13 of his witness statement in support of this quote, which is a [REDACTED]. The Claimant has objected to Canada's request on the basis of relevance and materiality. However, the Claimant's objection to Document Request No. 1 shows that this document *is* relevant and material because the Claimant alleges that it does not make any decisions concerning R&D or E&T spending at the Hibernia or project, which is the responsibility of HMDC.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL’S OBJECTIONS	CANADA’S RESPONSE TO MOBIL’S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>for this Tribunal to determine pursuant to the NAFTA and international law.”</p> <p>Third, Canada has not shown why correspondence <u>by</u> or <u>from</u> the other Hibernia investors, none of whom is a party to this arbitration, is relevant. They are not in any event pursuing NAFTA claims for their shares of the incremental expenditures at issue in this arbitration.</p> <p><u>Legal Privilege (Canadian law)</u> Responsive documents concerning the “interpretation, scope and effects of the Decision or Award” may be subject to solicitor-client, litigation, or settlement privileges under Canadian law. In the event that Mobil is ordered to produce documents responsive to this Request, if any, Mobil will withhold from production (or redact) any responsive materials that are protected by privilege.</p> <p><u>Legal Privilege (U.S. law)</u></p>	<p>Claimant’s Document Request No. 14. The purpose for which Canada seeks these documents is, however, different than that of the Claimant. The Claimant sought these documents for the purpose of assessing Canada’s views on the <i>res judicata</i> effect of the Award. Canada objected, and the Tribunal correctly noted, that this is premature because Canada has not yet taken a position on the issue.⁶ In contrast, Canada seeks these documents specifically to assess the credibility of Claimant’s damages claim, which is not premature.</p> <p>Third, correspondence between the Claimant and other investors in the Hibernia project concerning the Decision or Award is also relevant and material to the issue of mitigating damages. The Claimant has an obligation at international law to mitigate any damages it may incur. The requested documents will show what efforts the Claimant has made, if any, to mitigate its</p>	

⁶ See Procedural Order No. 3, Request No. 14.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>Responsive documents concerning Mobil's "interpretation, scope and effects of the Decision or Award" may be subject to attorney-client, litigation, or settlement privileges under U.S. law. In the event that Mobil is ordered to produce documents responsive to this Request, if any, Mobil will withhold from production (or redact) any responsive materials that are protected by privilege.</p>	<p>damages in light of the Decision or Award.</p> <p><u>Legal Privilege</u> Canada does not request documents to the extent they are protected by a privilege. However, Canada requests that the Tribunal order the Claimant to produce all documents that are not subject to a privilege. Moreover, documents should not be withheld in whole where only one part of the document is subject to a privilege. The Claimant should also be compelled (as Canada was) to provide a log for any privilege that it claims.</p> <p>Canada emphasizes that it is not seeking all Claimant's internal documents relating to the Decision and Award. Rather, Canada seeks only non-privileged documents which speak to how Claimant's view of the Award affected incremental and ordinary course spending at Hibernia and Terra Nova since 2012.</p>	
2.	Documents since May 2012, including, but not limited to,	See statement of relevance and materiality to Request #1 above.	Mobil repeats its objections, <i>mutatis mutandis</i> , to Request No. 1.	Canada repeats its response to the Claimant's objections, <i>mutatis</i>	Canada's request is allowed. To the extent that privilege is

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	correspondence between Claimant and other investors at Terra Nova, concerning the interpretation, scope and effects of the Decision or Award on actual or projected incremental and ordinary course R&D and E&T expenditures at the Terra Nova Project.			<i>mutandis</i> , to Request No. 1. However, unlike with respect to the Claimant's influence over HMDC at the Hibernia project, Mr. Phelan has made no similar allegation with respect to the influence of the Claimant over Suncor at the Terra Nova project. Nonetheless, documents evidencing the impact of the Mobil I Decision or Award on the Claimant's R&D and E&T spending at the Terra Nova project are relevant and material for the other reasons stated therein.	claimed for any documents which are the subject of this request, a privilege log must be produced.
3.	Documents concerning the impact of the Board's temporary suspension of the R&D expenditure pre-approval process under the Guidelines in 2015 for the Hibernia Project.	These documents are relevant and material to assessing the allegation by HMDC President Jamie Long that the delay in pre-approval could have a negative impact on R&D expenditures at Hibernia (Sampath, ¶ 20).	The requested documents are irrelevant to the case and immaterial to its outcome. Canada in fact took this position in response to Mobil's document requests (<i>see</i> Procedural Order No. 3, Request No. 15): "Canada understands that the Board has been in recent contact with Claimant regarding the status of forthcoming pre-approvals for R&D and E&T expenditures in question. Accordingly, Canada assumes that this request is no longer relevant or required." It has not shown why it now believes	Canada will not pursue the request further at this time.	

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>these documents to be relevant and material.</p> <p>In any event, Mobil is not presently making a claim in this arbitration with respect to the financial effect of the suspension of pre-approvals, so that event's "impact" is irrelevant to the case and immaterial to its outcome. Mobil's claim is for incremental expenditures made at Hibernia and Terra Nova during the 2012-2015 period. Expenditures that could not be made as a result of the Board's decision to freeze the pre-approval process necessarily cannot and do not form part of Mobil's damages claim in this arbitration.⁷</p>		
4.	Documents concerning the impact of the Board's temporary suspension of the pre-approval process under the Guidelines in 2015 for the Terra Nova Project.	See statement of relevance and materiality to Request #3 above.	Mobil repeats its objections, <i>mutatis mutandis</i> , to Request No. 3.	Canada will not pursue the request further at this time.	No decision required.

⁷ See C-3, Guidelines, § 4.1 (requiring operators to submit pre-approval form "prior to commencement of the [proposed] activity"); CW-3, Sampath Statement I, ¶ 13 ("it was required and necessary to obtain the Board's pre-approval before funding R&D or E&T activities that HMDC would not otherwise pay for").

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
DAMAGES - GENERAL					
5.	Documents evidencing the Claimant's payment in its pro rata portion towards claimed incremental spending at the Hibernia project since 2012, including, including but not limited to, invoices, financial statements, general ledgers and agreements amongst the Hibernia investors concerning how R&D and E&T expenditures made under the Guidelines are to be financially allocated amongst them.	The requested documents are relevant and material to the quantification of the Claimant's alleged loss in the arbitration. The Claimant states that "Mobil incurs a <i>pro rata</i> portion of these expenditures according to its percentage" in the Hibernia project (Memorial, ¶ 289; see also ¶¶ 136, 310; Phelan, ¶¶ 10-13). The requested documents are relevant and material to ascertaining the veracity of this statement and the calculation of Claimant's damages claim.	Mobil will produce responsive documents, if any, subject to redaction and/or withholding as permitted by IBA Rules, Article 9(2). Mobil will limit production to the time periods at issue in this arbitration, <i>i.e.</i> , 2012-2015.	Canada notes the Claimant's agreement to produce responsive documents.	No decision required.
6.	Documents evidencing the Claimant's payment in its pro rata portion towards claimed incremental spending at the Terra Nova project since 2012, including, including but not limited to, invoices, financial statements, general ledgers and agreements amongst the Terra Nova investors concerning how R&D and E&T expenditures made under the Guidelines are to be financially allocated amongst them.	The requested documents are relevant and material to the quantification of the Claimant's alleged loss in the arbitration. The Claimant states that "Mobil incurs a <i>pro rata</i> portion of these expenditures according to its percentage" in the Terra Nova project (Memorial, ¶ 289; see also ¶¶ 136, 310; Phelan, ¶¶ 14-15). The requested documents are relevant and material to ascertaining the veracity of this statement and the	Mobil repeats its response, <i>mutatis mutandis</i> , to Request No. 5.	Canada notes the Claimant's agreement to produce responsive documents.	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>████████████████████ ████████████████████ ████████████████████</p> <p>Canada's suggestion that "[a]udits for the years 2004-2008 are relevant to projecting how Claimant's future royalty deductions may be assessed and calculated" does not withstand scrutiny. No incremental R&D or E&T expenditures were made during the 2004-2008 period, a period when the Board suspended enforcement of the Guidelines pending a legal challenge in the Canadian courts. Thus, the Province's treatment of non-incremental R&D and E&T expenditures during 2004-2008 says nothing about how incremental expenditures in 2012-2015 may be treated by the Province for royalty purposes.</p> <p>These documents are also immaterial to the outcome of this case, as the Mobil I Majority held that "there should be no deduction</p>	<p>The Mobil I Tribunal did not make any deductions for the Claimant's royalty savings because "there is not yet sufficient certainty regarding the royalty deductions for any deduction to compensation to be warranted."¹⁰ The Tribunal expressed concern over uncertainty because the audit process that determines (among other things) which R&D and E&T expenditures under the Guidelines are eligible to offset royalty payments is lengthy and the Province (which administers the royalty regimes) could potentially claw back royalty savings enjoyed by the Claimant as a result of its spending under the Guidelines.¹¹ The requested documents from 2004 to 2008 are relevant and material because ██████████ ██████████ ██████████ ██████████ and, to Canada's knowledge, the</p>	

¹⁰ C-2, Mobil I Award, fn. 199.
¹¹ C-2, Mobil I Award, ¶¶ 147-150.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>to the Claimants' compensation to reflect deductions made under the royalty regime applicable to the Projects." See C-2, Mobil I Award, ¶ 147. This finding binds the parties to this dispute, and, thus, potential royalty deductibility does not impact the "quantification of the Claimant's alleged loss in the arbitration." This finding of the Mobil I Majority is not subject to re-opening, nor did the Mobil I Majority envisage that a subsequent Tribunal would re-open or re-assess issues surrounding royalty deductibility.⁸ (See also CW-1, Phelan Statement I, ¶ 88, noting that the considerations supporting the Mobil I Majority's approach to provincial royalties remains valid.) Canada's attempt to re-litigate issues put to, and definitively decided by, the Mobil I Tribunal should be rejected.</p>	<p>██████████ Canada merely seeks documents to confirm the extent of the Claimant's royalty savings from the 2004-2008 time period so this Tribunal will have better understanding of what the Claimant is likely to save in royalties for 2012-2015 and take measures to mitigate overcompensation.</p> <p>The Claimant admits that it deducts ██████████ of its spending under the Guidelines to offset its royalty payments.¹² Thus, as a result of its spending under the Guidelines between 2009 through 2015, the Claimant is currently enjoying ██████████ in savings on its royalty payments. While the expenditures from this time period are subject to audit by the Province,¹³ asking for evidence of royalty savings from 2004-2008</p>	

⁸ C-1, Mobil I Decision, ¶ 478: "Given that the implementation of the 2004 Guidelines is a continuing breach, the Claimants can claim compensation in new NAFTA arbitration proceedings for losses which have accrued but are not actual in the current proceedings."

¹² Letter from David W. Rivkin, Debevoise & Plimpton LLP to the Mobil I Tribunal (Exhibit RE-93 in Mobil I) (Tab 1).

¹³ See Procedural Order No. 3, Request No. 19.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL’S OBJECTIONS	CANADA’S RESPONSE TO MOBIL’S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>Canada’s arguments regarding potential royalty deductibility were at issue (and rejected) in the Mobil I Arbitration. Canada had the opportunity in that proceeding to request documents regarding royalty deductibility for the 2004-2008 period, and failed to do so.</p> <p style="text-align: center;"><u>Specificity</u></p> <p>Canada’s request is insufficiently specific, as it does not identify custodians or particular entities believed to have responsive documents in their possession, custody, or control. As such, it does not meet the requirements of IBA Rules, Article 3(3)(a).</p> <p style="text-align: center;"><u>Canada’s Possession/Custody</u></p> <p>All responsive documents are already in possession of the Province, an integral part of Canada.</p>	<p>is not “re-arguing” or “re-litigating” the issue of the Claimant’s royalty savings – it to ensure that the Tribunal has a full understanding of how an award of damages for 2012-2015 runs the serious risk of overcompensation. The Claimant’s objection is asking the Tribunal to pre-judge the issue by cutting-off the debate and depriving Canada of the ability to collect a limited number of documents.</p> <p>The Claimant’s argument is surprising considering that the Claimant requested documents from Canada concerning its royalty payments under the regimes, and the Tribunal ordered Canada to produce these documents once the audits are complete.¹⁴</p> <p>The Claimant also argues that the requested documents are not relevant because it carried out no “incremental” expenditures in the 2004-2008 period. However, the Claimant’s distinction between</p>	

¹⁴ See Procedural Order No. 3, Request No. 19.

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				<p>“ordinary course spending” and “incremental spending” is one of its own creation for the purpose of this arbitration. Neither the Guidelines nor the Hibernia Royalty Agreement nor Terra Nova royalty regulations distinguish between these types of expenditures.</p> <p style="text-align: center;"><u>Specificity</u></p> <p>Canada’s request is targeted and narrow as it is aimed solely at the savings the Claimant has received on its royalty payments as a result of its spending under the Guidelines between 2004 and 2008. The Claimant argues that Canada’s request lacks specificity because Canada “does not identify custodians or particular entities believed to have responsive documents in their possession, custody, or control.” The Claimant’s argument is unreasonable as it is not possible for Canada to provide a list of custodians as this information is wholly within the knowledge of the Claimant, not Canada. With respect to entities, Canada has provide a list to the Claimant in</p>	

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				<p>the headnote to Canada's requests at paragraph 5 and the Claimant is best suited to know which of those entities would have responsive documents.</p> <p><u>Possession/Custody</u> Neither Canada nor the Province has possession, custody or control over the requested documents. The Claimant knows full well that it provides only large costing data to the Province when it makes deductions to its royalty payments and does not specify which R&D or E&T expenditures it includes in that data. The Province has confirmed that it does not have the requested information in its possession, custody or control. The Claimant is the only party with the requested information.</p>	
8.	Documents concerning any R&D or E&T expenditures used to offset royalty payments to the Province between 2004 and 2008 for the Terra Nova Project.	See statement of relevance and materiality to Request #7 above.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 7.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , under Request No. 7.	Canada's request is allowed. To the extent that privilege is claimed for any documents which are the subject of this request, a privilege log must be produced.
9.	Since 2004, any award or decision issued by an arbitral tribunal or court pertaining to any agreement	The requested documents are relevant and material to the quantification of the Claimant's	<u>Relevance/Materiality</u>	Canada will not pursue the request further at this time.	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	with the Province regarding royalty deductions and eligibility of R&D and E&T expenditures undertaken at the Hibernia Project.	alleged loss in the arbitration. Specifically, the requested documents are essential to establishing a pattern of deductions to royalty payments from the Claimant's past R&D and E&T spending under the Guidelines, which will be relevant for quantification of damages in this arbitration.	<p>Mobil repeats its irrelevance and immateriality objections made to Canada's Request No. 7.</p> <p style="text-align: center;"><u>Specificity</u></p> <p>Canada's request lacks sufficient specificity, as it fails to provide a "description in sufficient detail ... of a narrow and specific requested category of Documents[.]" See IBA Rules, Article 3(3)(a). Namely, the request at hand is overbroad, as only the 2012-2015 time period is at issue in this arbitration.</p> <p style="text-align: center;"><u>Canada's Custody/Possession</u></p> <p>Responsive documents, if any, are either in the public domain (e.g., court decisions) and/or in the Province's possession and custody (e.g., "any award or decision issued by an arbitral tribunal or court pertaining to any agreement with the Province"). As such, Canada has possession, custody, and control over such materials.</p>		
10.	Since 2004, any award or decision issued by an arbitral tribunal or court pertaining to any agreement with the Province regarding royalty deductions and eligibility of R&D	See statement of relevance and materiality to Request #9 above.	Mobil repeats its objections, <i>mutatis mutandis</i> , to Request No. 9.	Canada will not pursue the request further at this time.	No decision required.

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	and E&T expenditures undertaken at the Terra Nova Project.				
11.	The native files for Annexes A to Q of Mr. Phelan's witness statement.	The requested native documents are relevant and material to assessing the Claimant's quantification of its losses in the arbitration.	<p><u>IBA Rules, Article 3(12)(b)</u> This provision of the IBA Rules provides that "Documents that a Party maintains in electronic form shall be submitted or produced in the form most convenient or economical to it that is reasonably usable by the recipients, unless the Parties agree otherwise or, in the absence of such agreement, the Arbitral Tribunal decides otherwise[.]" As the official commentary to that provision recognizes, "[t]his format will generally not be the native format with full metadata, as submission in this format can be unduly expensive and inconvenient." Mobil is entitled under the IBA Rules to produce the spreadsheets at Annexes A-Q of Mr. Phelan's witness statement in PDF format as it did, and, as established below, there are no reasons for the Tribunal to decide otherwise.</p> <p><u>Relevance/Materiality</u> Production of native files are not relevant nor material, as the limited additional information (if any)</p>	<p>The Claimant has not advanced an economic damages expert in the arbitration, but has relied solely on one of its fact witnesses – Mr. Phelan – to quantify its damages. Mr. Phelan quantifies these damages in 17 different spreadsheets that he reproduces in PDF form as annexes at the end of his witness statement (Annexes A to Q). The annexes are long, detailed and include calculations that are hard to follow. Canada requests that the Claimant produce the native format of Mr. Phelan's spreadsheets so that Canada may ensure that Mr. Phelan has been meticulous in his quantifications.</p> <p>Canada is surprised by the Claimant's strenuous opposition to this request. It is commonplace for damages experts to exchange native file formats of their calculations. Here, Mr. Phelan is not a damages expert, which makes it more pertinent for Canada to be able to assess his</p>	Canada's request is allowed.

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			<p>typically contained therein is superfluous to that already produced. Such information, moreover, does not address quantification above and beyond the materials already in Canada's possession.</p> <p style="text-align: center;"><u>Propriety</u></p> <p>If Canada wishes to test the veracity of the information in Mr. Phelan's statement, it may do so by cross-examining Mr. Phelan at the hearing. This request is a fishing expedition in which Canada seeks to ascertain grounds on which to potentially impeach Mr. Phelan.</p> <p style="text-align: center;"><u>Legal Privilege</u></p> <p>Mr. Phelan prepared his witness statement at the request of counsel in this matter for the exclusive purpose of aiding this Tribunal's assessment of Mobil's claims. The metadata that is an integral part of the original native files constitutes information that is covered by litigation privilege and solicitor/attorney-client privilege.</p> <p style="text-align: center;"><u>Sensitivity</u></p>	<p>underlying work. The request is not burdensome as it would not require much effort for the Claimant to produce the readily available 17 documents that are being requested.</p> <p style="text-align: center;"><u>IBA Rules, Article 3(12)(b)</u></p> <p>Article 3(12)(b) merely states that electronic documents "shall be submitted or produced in the form most convenient or economical to it that is reasonably usable by the recipients." As Canada has explained above, Mr. Phelan's annexes in PDF format are not "reasonably usable" by Canada as they provide none of the data underlying Mr. Phelan's quantification, which Canada should be entitled to review in order to assess Mr. Phelan's damages assessment. The Claimant's argument that producing the native formats would be "unduly expensive and inconvenient" does not withstand scrutiny. As stated above, it is not burdensome for the Claimant to produce these readily available 17 documents.</p>	

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			<p>Metadata is inherently sensitive information and protected from disclosure under the IBA Rules, Article 9(2)(e).</p>	<p><u>Relevance/Materiality</u> The Claimant argues that the production of native files are not relevant or material as only limited or no additional information will be produced. If that is true, then the Claimant should be compelled to produce the documents so that Canada can verify the Claimant's statement and because there is no burden on the Claimant to produce these documents. In any event, Canada disagrees with the Claimant as the native documents will provide Canada with information that will allow Canada to test the veracity of Mr. Phelan's damages quantifications.</p> <p><u>Propriety</u> The Claimant refuses the production of the requested documents on the ground that the request is a "fishing expedition" and that Canada should be limited to testing the veracity of Mr. Phelan's quantifications on cross-examination. Canada's document request is not a "fishing expedition" as it seeks only 17 documents from the Claimant,</p>	

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				<p>which are directly relevant to understanding how Mr. Phelan has quantified the Claimant's losses. Moreover, Canada's defence against the Claimant's damages case would be prejudiced if Canada were compelled to wait until the hearing to test the veracity of Mr. Phelan's quantification.</p> <p style="text-align: center;"><u>Privilege</u></p> <p>Canada does not request the production of privileged information. Any such information can be redacted in the produced documents and justified in a privilege log.</p>	
12.	Documents evidencing that expenditures shared between Hibernia proper and Hibernia Southern Extension are prorated according to the volume of oil produced during the year in which the expenditure was made.	The requested documents are relevant and material to assessing the veracity of Mr. Phelan's statement that shared expenditures by the Hibernia project "are prorated between Hibernia proper and HSE according to the volume of oil produced during the year in which the expenditure was made." (Phelan, ¶ 70)	The pro-ration is done as part of the damages calculation in order to properly account for the fact that the Hibernia Southern Extension ("HSE") is not part of this arbitration. This pro-ration was followed by Mr. Phelan in calculating the damages in the Mobil I Arbitration without issue. <i>See CW-1</i> , Phelan Statement I, ¶ 53, discussing the continuity of Mobil I Majority's approach to calculation of damages. Thus, Mobil presently	Canada notes the Claimant's agreement to produce responsive documents.	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
			<p>understands that there are no responsive documents.</p> <p>That being said, Mobil agrees to search for any responsive documents and to produce any that may be found, subject to redaction and withholding as permitted by the IBA Rules, Article 9(2).</p>		
13.	Documents evidencing that expenditures at Hibernia are deducted <i>pro rata</i> according to the volume of oil produced from the AA Block during the year in which the expenditure was made.	The requested documents are relevant and material to assessing the veracity of Mr. Phelan's statement that "expenditures at Hibernia are deducted <i>pro rata</i> according to the volume of oil produced during the year in which the expenditure was made." (Phelan, ¶ 72)	<p>The pro-ration is done as part of the damages calculation in order to properly account for the fact that the AA Block is not part of this arbitration. This pro-ration was followed in Mobil I without issue. See CW-1, Phelan Statement I, ¶ 53, discussing the continuity of Mobil's approach to calculation of damages. Thus, Mobil presently understands that there are no responsive documents.</p> <p>That being said, Mobil agrees to search for any responsive documents and to produce any that may be found, subject to redaction and withholding as permitted by the IBA Rules, Article 9(2).</p>	Canada notes the Claimant's agreement to produce responsive documents.	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
14.	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>The requested documents are relevant and material to assessing the veracity of Mr. Phelan's statements concerning the [REDACTED] [REDACTED] (Phelan, ¶ 13).</p>	<p><u>Relevance/Materiality</u></p> <p>Canada has failed to show how the requested document is relevant to the case. This resolution, moreover, cannot be shown to impact the outcome of the case, and thus lacks materiality. HMDC's relationship with ExxonMobil Canada is not at issue in this arbitration. As is evident from Mr. Phelan's statement, he discusses the requested [REDACTED] as background to general project management at Hibernia. The resolution does not pertain to any material issue in the case. Furthermore, Canada could have sought this document in the Mobil I Arbitration, but did not. As such, it cannot be shown to be relevant to Mobil's damages claims.</p> <p><u>Propriety</u></p> <p>As stated above in Mobil's objection to Request No. 11, the veracity of Mr. Phelan's statements should be tested through cross-examination, rather than document production.</p>	<p>In its objection to Canada's Document Requests No. 1, the Claimant argues that it does not make any decisions concerning R&D or E&T spending at the Hibernia project because that is the responsibility of HMDC, the proponent of the Hibernia project. This, however, conflicts with the testimony of Mr. Phelan who alleges that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (¶ 13)</p> <p>Under Canada's Document Request No. 14, Canada requests the single document referred to by Mr. Phelan at ¶ 13 in support of his claim, which is a [REDACTED] [REDACTED] [REDACTED]</p> <p>The Claimant has objected to Canada's request on the basis of relevance and materiality. However, the Claimant's objection</p>	<p>The Tribunal takes note of the Claimant's agreement to produce the document requested.</p>

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				to Document Request No. 1 shows that this document <i>is</i> relevant and material because the Claimant alleges that it does not make any decisions concerning R&D or E&T spending at the Hibernia or project, which is the responsibility of HMDC.	
DAMAGES – DOCUMENTS CONCERNING THE CLAIMANT'S INCREMENTAL EXPENDITURES FROM THE FIRST NAFTA ARBITRATION					
15.	Documents concerning the anticipated use of, the value of, or benefits of the "Gas Utilization Study" expenditure.	The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 58-63, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects	This request seeks to support an improper collateral attack on the Award. Canada failed to set it aside, and now apparently may seek to reduce the amounts awarded therein through a purported 'set-off' claim that it failed to establish in the Mobil I Arbitration. Such documents are simply outside the scope of this arbitration. <u>Relevance/Materiality</u> The Mobil I Majority determined that Mobil's recoverable damages are those expenditures that "would not have been made in the ordinary course of business in the absence of	Canada is not seeking to "collaterally attack" the Award from the Mobil I tribunal. The Claimant was awarded [REDACTED] in compensation for the "Gas Utilization Study" in the Mobil I arbitration and seeks compensation from this Tribunal for further spending on that study. Contemporaneous documents submitted by the Claimant to the Board indicate, however, that the study could lead to the recovery of an additional [REDACTED] barrels of oil from the Hibernia reservoirs. ²⁰ While the Claimant's witnesses may opine that such	No decision required.

²⁰ See e.g. Canada's Reply to the Claimant's Submission on Damages in Mobil I, 19 October 2012, ¶ 25 (Tab 2).

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		<p>elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.</p>	<p>the Guidelines[.]”¹⁵ In effect, the Mobil I Majority adopted a ‘but for’ test for incremental expenditures, asking whether, but for the Guidelines, would the given expenditure have been made in the amount it was actually made.¹⁶ Canada's Requests are misplaced because they do not seek documents that would assist this Tribunal's application of the ‘but for’ test.</p> <p>Rather, Canada seeks documents concerning the “anticipated use,” “value,” and “benefits” of certain expenditures. As the Mobil I Majority made clear, the relevant inquiry is not into these characteristics but into whether or not the expenditure would have been made but for the Guidelines. The Mobil I Majority unambiguously held that the benefit or value to Mobil of a particular expenditure does not determine its characterization as incremental or</p>	<p>additional production is unlikely,²¹ Canada is entitled to test the veracity of that testimony with documents produced by the Claimant. If the Claimant is able to produce more oil as a result of an expenditure compensated by Canadian taxpayers it should not get the benefit of both the additional oil and the compensation.</p> <p>Canada does, however, recognize the overlap between this request and Document Request No. 47, which also concerns the Gas Utilization Study. Canada will thus not pursue this request further at this time.</p>	

¹⁵ C-2, Award, ¶ 52.

¹⁶ *Id.*, ¶ 68.

²¹ See e.g. CW-5, Noseworthy Statement, ¶ 25.

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			<p>ordinary course, and incremental expenditures are recoverable in full despite any possible “benefi[t]” or “utility” to the investors in Hibernia or Terra Nova.¹⁷ As it explained, “the mere fact that an expenditure may be beneficial to the Claimants or Projects does not definitively answer whether it was undertaken as a result of the Guidelines or not. It is logical that if the Claimants were under an expenditure requirement, they would seek to make the necessary expenditures of some utility. Any sensible investor would not choose to make an expenditure that was wholly superfluous to the investment.”¹⁸</p> <p>Additionally, to the extent that Canada seeks to establish “prosperity [<i>sic</i>] which should be offset from any damages award made by this Tribunal,” that argument was considered and rejected by the Mobil I Majority.¹⁹</p>		

¹⁷ See C-2, Award, ¶ 51.

¹⁸ *Id.*

¹⁹ C-1, Mobil I Decision, ¶ 468: “As the companies are not credited for the benefits the fund derives from the R&D and E&T expenditures they finance, conversely they should not be debited for the benefits they derive from their own R&D and E&T expenditures which are undertaken as a result of the incremental spending requirement.”

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			<p>Canada is bound by that holding, which also deprives the requested documents of any legal significance in this arbitration. As such, they are not relevant and material to this case's outcome.</p> <p>To the extent that Canada seeks documents concerning "projects elsewhere," Mobil refers to Canada's response to Mobil's document requests (see Procedural Order No. 3, Request No. 10): "Canada objects to the production of documents concerning 'existing or planned projects' other than Terra Nova or Hibernia. The Claimant has not established how documents concerning other Projects is [sic] relevant and material to its claims within the meaning of IBA Rule 9(2)(a)." So too here.</p> <p style="text-align: center;"><u>Specificity</u></p> <p>As discussed in Mobil's response to Request No. 7, Canada's request is insufficiently specific, as it does not identify custodians or particular entities believed to have responsive documents in their possession, custody, or control. Canada's response furthermore fails to</p>		

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			<p>establish a time period for which documents are being requested. Moreover, Canada’s reference to “projects elsewhere” is grossly overbroad.</p> <p style="text-align: center;"><u>Burden</u></p> <p>Canada seeks documents for “projects elsewhere,” including all ExxonMobil projects across the world (<i>see</i> Recital No. 5(h) above, requesting documents from ExxonMobil Corporation). Needless to say, ExxonMobil Corporation has a significant number of projects worldwide, and Mobil—which is an indirect subsidiary of ExxonMobil Corporation that lacks control over its ultimate parent company—cannot be expected to undertake the serious administrative burden of searching through all such materials even if it did have custody or control of those documents. For this reason, and those mentioned above with respect to the request’s lack of specificity, Canada’s request is unduly burdensome under the IBA Rules, Article 9(2)(c).</p>		

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16.	Documents concerning the anticipated use of, the value of, or benefits of the [REDACTED] expenditure.	The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 71-74, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 15.	Canada will not pursue the request further at this time.	No decision required.
17.	Documents concerning the anticipated use of, the value of, or benefits of the [REDACTED] expenditure.	The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 15.	Canada will not pursue the request further at this time.	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
		<p>expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 75-78, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.</p>			
18.	<p>Documents concerning the anticipated use of, the value of, or benefits of the [REDACTED] expenditure.</p>	<p>The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 15.</p>	<p>Canada is not seeking to "collaterally attack" the Award from the Mobil I tribunal. The Claimant was awarded [REDACTED] in compensation for this expenditure in the Mobil I arbitration and seeks compensation from this Tribunal for further spending on</p>	<p>No decision required.</p>

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
		<p>awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 79-84, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.</p>		<p>the project. The requested documents are thus relevant to the current arbitration and are not sought to "collaterally attack" the first Award.</p> <p>Canada recognizes, however, that this request overlaps with Document Request No. 44, which also concerns the [REDACTED]. [REDACTED] Canada will thus not pursue this request further at this time.</p>	
19.	Documents concerning the anticipated use of, the value of, or benefits of the "SARA and Metals Analysis" expenditure.	The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award,	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 15.	Canada is not seeking to "collaterally attack" the Award from the Mobil I tribunal. The Claimant was awarded [REDACTED] in compensation for this expenditure in the Mobil I arbitration and seeks compensation from this Tribunal for further spending on the project. The requested documents are thus relevant to the current arbitration and are not sought to	No decision required.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
		<p>¶¶ 97-100, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.</p>		<p>"collaterally attack" the first Award.</p> <p>Canada recognizes, however, that this request overlaps with Document Request No. 74, which also concerns the [REDACTED]. [REDACTED] Canada will thus not pursue this request further at this time.</p>	
20.	<p>Documents concerning the anticipated use of, the value of, or benefits of the [REDACTED] expenditure.</p>	<p>The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 101-105, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 15.</p>	<p>Canada is not seeking to "collaterally attack" the Award from the Mobil I tribunal. The Claimant was awarded [REDACTED] in compensation for this expenditure in the Mobil I arbitration and seeks compensation from this Tribunal for further spending on the project. The requested documents are thus relevant to the current arbitration and are not sought to "collaterally attack" the first Award.</p>	<p>No decision required.</p>

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		<p>Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.</p>		<p>Canada recognizes, however, that this request overlaps with Document Request No. 55, which also concerns the [REDACTED] [REDACTED]" Canada will thus not pursue this request further at this time.</p>	
21.	<p>Documents concerning the anticipated use of, the value of, or benefits of the [REDACTED] expenditure.</p>	<p>The requested documents are relevant and material to the credibility of Claimant's arguments that allegedly incremental expenditures claimed in this arbitration are of little or no value to the Hibernia and Terra Nova Projects. The first NAFTA tribunal awarded the Claimant damages for the full amount of this expenditure [REDACTED] based on its alleged incremental nature (Mobil I Award, ¶¶ 110-115, 129). Any documents which assess the actual or potential outcomes of this R&D expenditure, including utility for the Hibernia or Terra Nova projects or for projects elsewhere, speaks to the credibility of the Claimant's current claims that expenditures are incremental and</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 15.</p>	<p>Canada will not pursue the request further at this time.</p>	<p>No decision required.</p>

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
		have no use for the projects. The requested documents are also relevant and material to ascertaining the existence of any such prosperity which should be offset from any damages award made by this Tribunal.			
DAMAGES – DOCUMENTS CONCERNING THE CLAIMANT'S ALLEGED INCREMENTAL EXPENDITURES AT HIBERNIA					
22.	Documents concerning the rationale or justification for undertaking the "Alternative Subsea Protection Systems for Ice Scour Regions" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this ██████ expenditure (Sampath, ¶¶ 21-25, 44-45; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). Documents which evidence the rationale and justification for undertaking the expenditure are relevant and material to the arbitration to determine whether the expenditure is truly incremental, ordinary course, or was pursued in order to seek its recovery against Canada under NAFTA Chapter 11. The requested documents are also relevant and material to the quantification of the Claimant's alleged damages in the arbitration.	<p><u>Relevance/Materiality</u></p> <p>The requested documents are not relevant to this case or material to its outcome.</p> <p>First, as discussed above in Mobil's response to Request No. 1, Mobil is not the operator at Hibernia or Terra Nova. As one of several independent investors in Hibernia and Terra Nova, and as a minority stakeholder in both projects, Mobil does not and cannot unilaterally "decide[] to make the expenditure." As such, Canada is wrong in contending that Claimant's "rationale or justification" is relevant to the key question of whether or not HMDC (or Terra</p>	The Claimant seeks over \$20 million in compensation from Canada for roughly 80 different R&D and E&T expenditures under the Guidelines that it alleges are "incremental" to what it would normally spend in the ordinary course of business. But the Claimant has refused to produce <i>any</i> further documents concerning these 80 expenditures. ²⁷ It is simply not credible for the Claimant to allege that documents evidencing the rationale or justification for its 2012-2015 R&D and E&T expenditures pursuant to the Guidelines, the very measure at issue in this arbitration, are not relevant or	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or

²⁷ See Canada's Document Request Nos. 22 to 104.

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		<p>This request captures documents until the present time, that is, documents created both before and after the Claimant decided to make the expenditure.</p>	<p>Nova’s operator, Suncor) undertook a particular incremental expenditure in order to comply with the Guidelines. Claimant’s “rationale and justification” is irrelevant to this inquiry.</p> <p>Second, Canada seeks documents concerning the “rationale or justification for undertaking the ... expenditure” and, more particularly, documents addressing the “actual or potential gain arising out of the expenditure.” As discussed above in Mobil’s objection to Request No. 15, which Mobil restates here, the Mobil I Majority determined that any possible utility or benefit to Mobil of a particular expenditure does not determine its characterization as incremental or ordinary course. The Majority, furthermore, accepted that incremental expenditures may legitimately result in some benefit or utility to Mobil or the projects.²² As a result, the requested documents cannot possibly “determine whether the</p>	<p>material. The Claimant has filed eight witness statements alleging that these expenditures would not have been made in the ordinary course of business, but only produces one or two self-serving documents for each expenditure in support of its allegations that they are compensable by Canada.²⁸ Canada has no way of testing the credibility of these witnesses or of the Claimant’s allegations that these are incremental expenditures if the Claimant refuses to produce evidence of what internally motivated the expenditures (pre-approval documents submitted to the Board contain no such detail). These documents are essential to an assessment of the Claimant’s quantum claim and Canada’s damages defense will be severely prejudiced without them.</p> <p style="text-align: center;"><u>Relevance/Materiality</u></p> <p>The Claimant alleges that the requested documents are not</p>	<p>covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>

²² See C-2, Award, ¶ 51.

²⁸ See Claimant’s Memorial, Appendix A.

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			<p>expenditure is truly incremental, ordinary course, or was pursued in order to seek its recovery against Canada under NAFTA Chapter 11." Whether or not Claimant's "rationale or justification" for a particular expenditure included "gain arising out of the expenditure" is irrelevant. As the Mobil I Majority recognized, "the mere fact that an expenditure may be beneficial to the Claimants or Projects does not definitively answer whether it was undertaken as a result of the Guidelines or not. It is logical that if the Claimants were under an expenditure requirement, they would seek to make the necessary expenditures of some utility. Any sensible investor would not choose to make an expenditure that was wholly superfluous to the investment."²³ These documents are thus not material to the outcome of this dispute.</p>	<p>relevant or material because HMDC is the proponent of Hibernia and Suncor is the proponent of Terra Nova and, as such, the Claimant is not the entity to make any decisions concerning the R&D or E&T spending at these two projects. As Canada explained under Document Request No. 1, Mr. Phelan testifies that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]²⁹ Thus, according to Mr. Phelan, the Claimant has influence over HMDC's decision-making concerning R&D and E&T spending at that project. In any event, the Claimant has agreed to produce documents in the possession, custody, or control of</p>	

²³ *Id.*

²⁹ **CW-1**, Phelan Statement, ¶ 13. Under Document Request No. 14 below, Canada requests a single document referred to by Mr. Phelan at ¶ 13 of his witness statement in support of this quote, which is a [REDACTED] The Claimant has objected to Canada's request on the basis of relevance and materiality. However, the Claimant's objection to Document Request No. 1 shows that this document *is* relevant and material because the Claimant alleges that it does not make any decisions concerning R&D or E&T spending at the Hibernia or project, which is the responsibility of HMDC.

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			<p>Finally, Mobil's "tax savings or credits," "royalty payments," and "offsets to ... NPI" are neither relevant or material to this arbitration, which focuses on whether the claimed expenditures would have been made in the absence of the Guidelines. Whether or not an expenditure is subject to or associated with such savings, credits, payments, or offsets is not at issue in these proceedings because they are irrelevant to the key question to be resolved by this Tribunal: but for the Guidelines, would the given expenditure have been made?²⁴ Canada's Request attempts to subvert the "normal administrative channels" for addressing these matters.²⁵</p> <p style="text-align: center;"><u>Specificity/Burden</u></p> <p>Canada fails to provide a date range for which it is requesting documents, to identify custodians or</p>	<p>HMDC³⁰ and thus the Claimant has an obligation to produce documents concerning the "rationale or justification" for this expenditure whether those documents reside with the Claimant or with HMDC, or both. While Mr. Phelan makes no similar allegation concerning the Claimant's influence over Suncor's chosen R&D and E&T expenditures, it remains the Claimant's burden to prove that expenditures claimed with respect to Terra Nova are in fact "incremental". In the absence of a witness statement from a Suncor official with direct knowledge of the claimed expenditures, the requested documents are the only non-hearsay evidence available to prove their incremental nature. As Canada explained in the headnote, the Claimant is obligated to produce documents from Suncor, including documents that evidence</p>	

²⁴ See Mobil's Response to Request No. 15, above; also note the Claimant's Memorial, ¶ 202.

²⁵ See, e.g., Procedural Order No. 3, Mobil's Request No. 4 (Canada objected to Mobil's request on the basis that "it should pursue those questions through the normal administrative channels. Circumventing these ordinary channels through sweeping document requests in a NAFTA arbitration would subvert the ordinary regulatory process.").

³⁰ See headnote to this Redfern.

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			<p>entities believed to have responsive documents, or to specify for which ExxonMobil Corporation-affiliated projects (apart from Hibernia and Terra Nova) it seeks documents. It does not, moreover, identify which entity's or person's "rationale or justification" is being sought. As such, it does not comply with the IBA Rules, Article 3(3)(a). The corresponding burden on Mobil of responding to such an overbroad request triggers the IBA Rules, Article 9(2)(c), as it constitutes an "unreasonable burden to produce the requested evidence."</p> <p><u>Canada's Custody/Possession</u> This Request seeks documents in Canada's possession (<i>e.g.</i>, "actual ... tax ... credits" insofar as they reflect the "rationale or justification for undertaking the ... expenditure at Hibernia"). Canada thus fails to specify that "the Documents requested are not in the possession, custody or control of the requesting Party," as required by the IBA Rules, Article 3(3)(c). Subject to its objections herein, Mobil refers Canada to the Guidelines and documents which reflect the</p>	<p>the "rationale or justification" for undertaking the expenditures claimed as damages in this arbitration.</p> <p>The Claimant also refuses to produce the requested documents on the ground that the "Mobil I majority determined that any possible utility or benefit to Mobil of a particular expenditure does not determine its characterization as incremental or ordinary course." Regardless of the legally binding status of such statements by the Mobil I tribunal (which cannot be pre-judged by the Tribunal in the absence of Canada's position thereon), this Tribunal is being asked to make a factual determination of whether a particular expenditure is incremental or would have been made in the ordinary course of business. The anticipation of financial or other gains arising from its 2012-2015 expenditures is plainly relevant and material to that factual inquiry. In any event, such motivation is only one of the several illustrative examples of a "rationale and justification" for</p>	

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			<p>Board's promulgation and enforcement of the Guidelines, which are in the possession of Canada. Given the Board's extensive oversight of such expenditures through the pre-approval process, in which operators like HMDC and Suncor must seek the Board's approval of proposed expenditures before undertaking them,²⁶ the Province and therefore Canada already have the materials at their disposal to ascertain the "rationale or justification" of these expenditures.</p> <p style="text-align: center;"><u>Legal Privilege</u></p> <p>This Request appears in part to seek privileged materials. The "potential recoverability of such expenditures from Canada under NAFTA Chapter 11," to the extent associated with Mobil's external or internal counsel under the applicable legal rules, is clearly attorney/solicitor-client privileged.</p>	<p>each expenditure claimed as damages in this arbitration in order to focus the request.</p> <p>Finally, the Claimant has misconstrued the proper test before this Tribunal to determine the quantum of damages to be awarded in arguing that "tax savings, or credits", "royalty payments", and "offsets to ...NPI" are neither relevant nor material to this arbitration. It argues that, when it comes to quantum, the key question is: "but for the Guidelines, would the given expenditure have been made?" That is not, however, the key question. The key question for the purpose of assessing quantum is, "what damage has the Claimant incurred?"³¹ In the event the Tribunal finds that the Claimant is entitled to damages in this arbitration it is only entitled to the actual quantum of damages it incurred – nothing more. If the Claimant has received a financial</p>	

²⁶ See Mobil's Memorial, ¶ 104; C-3, Guidelines, § 4.1 (requiring Board pre-approval of proposed R&D and E&T expenditures).

³¹ Article 1116(1) of the NAFTA states that a claimant may file a claim to arbitration when it has "incurred loss or damage by reason of" a breach of the NAFTA.

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				<p>offset from its expenditure (e.g. as a savings on its royalty payments,³² or goodwill), then Canada will argue that the quantum awarded should be reduced to avoid overcompensation. Canada is not asking the Tribunal to rule now on whether such deductions should be made to any award of damages. Rather, the documents are relevant and material for the Tribunal to decide for itself the issue of whether any deductions should be made.³³</p> <p>While Canada maintains that claimed expenditures which were motivated by an anticipation of using the outcomes at Claimant's projects outside the Province may be relevant and material to a factual determination of whether the expenditure was ordinary course or incremental, Canada agrees to exclude from its request</p>	

³² See Canada's Document Request No. 7.

³³ Under Document Request No. 15 the Claimant alleges that the Mobil I tribunal determined that financial offsets are not relevant to the issue of quantum, which is untrue. For example, the Mobil I tribunal accounted for R&D tax credits the Claimant receives on its spending under the Guidelines (C-2, Mobil I Award, ¶ 138). The issue cannot, in any event, be pre-judged by this Tribunal in the absence of Canada's position thereon.

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				<p>documents which focus solely on external projects. Canada requests only documents that evidence the Claimant's actual or anticipated use of the outcomes of its alleged "incremental" R&D and E&T at any other projects inside or outside the Province.³⁴</p> <p><u>Specificity/Burden</u> Canada did not provide a specific time frame because it has no knowledge of when each of the claimed expenditures were initiated and cannot make reasonable assumptions based on the limited information already provided by Claimant. It would be prejudicial to Canada's damages defense to limit the production of documents to 2012-2015 because many of the expenditures claimed as damages would have been conceived, evaluated, and selected internally by the Claimant, and then submitted to the Board for pre-approval under the Guidelines,</p>	

³⁴ In response to Canada's Document Request No. 15, the Claimant argues that it should not be compelled to produce this category of documents because Canada objected to producing documents under a similar request made by the Claimant (Claimant's Document Request No. 10). Canada's request and the Claimant's request are not, however, similar. The Claimant's request concerned the Board's regulation of other oil projects in the offshore area. This portion of Canada's request concerns the Claimant's actual or possible use of its "incremental" R&D and E&T at its other projects. Canada's request is thus relevant and material to assessing the actual damages incurred by the Claimant.

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				<p>prior to 2012 and the actual engagement of the expenditures in the 2012-2015 period. Canada notes the Claimant’s confirmation that it did not engage any “incremental” spending prior to 2009,³⁵ and thus presumably there should be no responsive documents prior to that date. However, if there are responsive documents prior to that date, it would suggest that the expenditures claimed by the Claimant are not in fact incremental. Canada is thus willing to agree to limit its requests starting from 2009 (the year the Claimant’s allege its incremental spending began), but with the understanding that if responsive documents for particular expenditures pre-date 2009 that the Claimant will in good faith produce such documents.³⁶</p> <p>Canada is also not able “to identify custodians or entities believed to</p>	

³⁵ C-2, Mobil I Award, ¶ 47.

³⁶ For example, the Gas Utilization Study was initiated at the Claimant’s Upstream Research Facility in Houston in at least 2008 (see Canada’s Rejoinder on Damages in Mobil I, 25 January 2013, ¶ 49) (Tab 3).

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				<p>have responsive documents." Canada has indicated in the headnote to its request the particular entities that it requests search for documents. The Claimant is, however, best suited to know which entities and which custodians will have documents responsive to Canada's requests.</p> <p style="text-align: center;"><u>Custody/Possession</u></p> <p>The requested documents are not in the possession, custody, or control of Canada. With respect to the Claimant's royalty payment savings, Canada explained under Document Request No. 7 why they are not in the possession, custody or control of the Province.</p> <p>With respect to documents concerning the Claimant's taxes, the Claimant knows full well that Canada is legally prohibited from accessing Claimant's tax documentation directly from the Canada Revenue Agency under the <i>Income Tax Act</i>.³⁷ Details of tax savings from its claimed R&D and</p>	

³⁷ See e.g. *Income Tax Act*, S.N.L. 2000, c.I-1.1, s. 241(1). Available at: <http://laws-lois.justice.gc.ca/eng/acts/I-3.3/FullText.html>.

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				<p>E&T expenditures are solely in Claimant's custody and control.</p> <p><u>Legal Privilege</u> As discussed above in the headnote, Canada requests that all documents redacted or withheld by Mobil on the basis of legal privilege be listed in a privilege log, as Canada was ordered to do in Procedural Order No. 3 (February 10, 2016).</p>	
23.	Documents concerning the rationale or justification for undertaking the "Arctic Offshore and Pipeline Engineering Course" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 117-119, 127-129). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or

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					<p>covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
24.	<p>Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 48-50). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require

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					the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
25.	Documents concerning the rationale or justification for undertaking the "Bioindicators" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶17; Dunphy, ¶¶12-14, 19-20). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it

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					<p>premature to determine at this stage whether such leave would be granted.</p>
26.	<p>Documents concerning the rationale or justification for undertaking the "CAE Helicopter Training Facility" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this \$7,500,000 expenditure (Sampath, ¶¶21-25, 67-69). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage

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					whether such leave would be granted.
27.	Documents concerning the rationale or justification for undertaking the "Canadian Access to Centrifuge Centre" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶108-112). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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28.	Documents concerning the rationale or justification for contributions to the "Center for Arctic Research and Development" or "CARD" made by Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶117-121). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
29.	Documents concerning the rationale or justification for undertaking the "CARD subject matter expert	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶117-119,	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	report" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	122). See above statement of relevance and materiality under request #22.		<i>mutandis</i> , to Document Request No. 22.	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
30.	Documents concerning the rationale or justification for undertaking the "Choices for Youth – Train for Trades Program" expenditure at Hibernia, including, but not limited to, documents concerning potential	The Claimant seeks compensation from Canada for this \$2,100,000 expenditure (Sampath, ¶¶132-136, 148-149). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from</p>

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	<p>recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
31.	<p>Documents concerning the rationale or justification for undertaking the "Cold Climate Oil Spill Response Research Facility" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 75-76; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,</p>

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, potential returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				<p>Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
32.	Documents concerning the rationale or justification for undertaking the "Development of Ice Ridge Keel Strengths Enhancement Project" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization	The Claimant seeks compensation from Canada for this \$586,000 expenditure (Sampath, ¶¶117-119, 130-131). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p>

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	of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
33.	Documents concerning the rationale or justification for undertaking the "Drift and Divergence of Ice Floes Project" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the	The Claimant seeks compensation from Canada for this \$763,518 expenditure (Sampath, ¶¶117-119, 125-126). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada

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	expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
34.	Documents concerning the rationale or justification for undertaking the "Dual Polarized Radar" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-27; Noseworthy, 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

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	other actual or potential gain arising out of the expenditure.				from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
35.	Documents concerning the rationale or justification for undertaking the "Dynamic Monitoring of Shallow-Water Wells Project" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 77-78). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range

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					<p>of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
36.	<p>Documents concerning the rationale or justification for undertaking the "Dynamic Positioning in Ice" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 38-39; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the

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					Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
37.	Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶16-17, 36-38). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to

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					determine at this stage whether such leave would be granted.
38.	Documents concerning the rationale or justification for undertaking the "Enhanced Field School Program" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this \$420,000 expenditure (Sampath, ¶¶81-84, 89-90). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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39.	Documents concerning the rationale or justification for undertaking the "Enhanced Iceberg and Sea Ice Shift Forecasting" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 32-33; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
40.	Documents concerning the rationale or justification for undertaking the "Enhanced Satellite Radar"	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 30-	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in

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	<p>expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>31; Noseworthy, ¶¶26-28; Durdle, ¶17). See above statement of relevance and materiality under request #22.</p>		<p><i>mutandis</i>, to Document Request No. 22.</p>	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
41.	<p>Documents concerning the rationale or justification for undertaking the "Enhancing the Operability of Offshore Personnel Transfer" expenditure at Hibernia, including, but not limited to, documents</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶16-19). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from</p>

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	concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
42.	Documents concerning the rationale or justification for undertaking the "Environmental Genomics" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits,	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶21-25, 79-80). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,

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	deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
43.	Documents concerning the rationale or justification for undertaking the "Environmental Impact of Seismic Activity on Shrimp Behavior" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Dunphy, ¶¶12-16; Durdle, ¶17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.

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	of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
44.	Documents concerning the rationale or justification for undertaking the "Escape-Evacuation-Rescue (EER) in Ice JIP" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶16-17, 20-22). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada

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	expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
45.	Documents concerning the rationale or justification for undertaking the "ESTEEM Girls" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this \$100,000 expenditure (Sampath, ¶¶132-136; 154-155). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	other actual or potential gain arising out of the expenditure.				from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
46.	Documents concerning the rationale or justification for undertaking the "Fortune Head Interpretation Centre Improvements" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this \$852,000 expenditure (Sampath, ¶¶132-136, 142-143). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range

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					of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
47.	Documents concerning the rationale or justification for undertaking the "Gas Utilization Study (WAG Pilot)" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Noseworthy, ¶¶19-25). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	The request is denied.
48.	Documents concerning the rationale or justification for undertaking the "Geophysics Support" expenditure	The Claimant seeks compensation from Canada for this \$1,980,000 expenditure (Sampath, ¶¶81-84, 87-	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	1. The Tribunal takes note of the Claimant's agreement (set out in

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	<p>at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>88; Durdle, ¶17). See above statement of relevance and materiality under request #22.</p>		<p><i>mutandis</i>, to Document Request No. 22.</p>	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
49.	<p>Documents concerning the rationale or justification for undertaking the "Girl Quest Camp Fund" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 81-84, 92-93). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from</p>

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	<p>expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
50.	<p>Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 72-74 Durdle, ¶17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,</p>

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	credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				<p>Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
51.	Documents concerning the rationale or justification for undertaking the expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Phelan, ¶ 35). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p>

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	<p>or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
52.	<p>Documents concerning the rationale or justification for undertaking the "Ice Gouge Study" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 42-43; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada</p>

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	the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
53.	Documents concerning the rationale or justification for undertaking the "Ice Loads on Floating Structures" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 34-35; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

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	other actual or potential gain arising out of the expenditure.				from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
54.	Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 58-59; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range

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					<p>of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
55.	<p>Documents concerning the rationale or justification for undertaking the "Ice Management JIP" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the

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					Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
56.	Documents concerning the rationale or justification for undertaking the "Ice Radar Enhancement Project" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 28-29; Noseworthy, ¶¶ 26-28). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to

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					determine at this stage whether such leave would be granted.
57.	Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 40-41; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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58.	Documents concerning the rationale or justification for undertaking the "Improved Metocean Support for Offshore Operations" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 54-55; Noseworthy, ¶¶ 26-28). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
59.	Documents concerning the rationale or justification for undertaking the "Improving Stability of Helicopters	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 16-17, 26-	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in

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	Following Ditching" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	30). See above statement of relevance and materiality under request #22.		<i>mutandis</i> , to Document Request No. 22.	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
60.	Documents concerning the rationale or justification for undertaking the "Industrial Chair in Petroleum Geosciences" expenditure at Hibernia, including, but not limited to, documents concerning potential	The Claimant seeks compensation from Canada for this \$500,000 expenditure (Sampath, ¶¶ 81-86). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from

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	<p>recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
61.	<p>Documents concerning the rationale or justification for undertaking the "Johnson GEO Centre Programming" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits,</p>	<p>The Claimant seeks compensation from Canada for this \$660,000 expenditure (Sampath, ¶¶ 132-136, 138-39). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,</p>

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	deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
62.	Documents concerning the rationale or justification for undertaking the "Large Scale Iceberg Impact Experiment" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 70-71; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.

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	<p>projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
63.	<p>Documents concerning the rationale or justification for undertaking the "Manuels River Education Centre" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer</p>	<p>The Claimant seeks compensation from Canada for this \$2,840,000 expenditure (Sampath, ¶¶ 132-136, 140-141). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada</p>

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	of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
64.	Documents concerning the rationale or justification for undertaking the "Marine Dredge Disposal" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Dunphy, ¶¶ 12-14, 17-18; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	other actual or potential gain arising out of the expenditure.				from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
65.	Documents concerning the rationale or justification for undertaking the "Nuclear Magnetic Resonance to Detect Oil in And Under Ice" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 62-64). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range

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					<p>of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
66.	<p>Documents concerning the rationale or justification for undertaking the "Offshore Operations Simulation Centre" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this \$4,400,000 expenditure (Sampath, ¶¶ 81-84, 97-98). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the

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					<p>Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
67.	<p>Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 108-109, 115-116). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to

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					determine at this stage whether such leave would be granted.
68.	Documents concerning the rationale or justification for undertaking the "Personal Locator Beacon" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] (Durdle, ¶¶ 16, 35-36). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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69.	Documents concerning the rationale or justification for undertaking the "R&D Applications of Iceberg Profiling" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] (Sampath, ¶¶ 108-109, 113-114). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
70.	Documents concerning the rationale or justification for undertaking the "Red Cross Centre" expenditure at	The Claimant seeks compensation from Canada for this \$100,000 expenditure (Sampath, ¶¶ 132-136,	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in

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	Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	146-147). See above statement of relevance and materiality under request #22.		<i>mutandis</i> , to Document Request No. 22.	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
71.	Documents concerning the rationale or justification for undertaking the "Remote Underdeck Inspection System" expenditure at Hibernia, including, but not limited to, documents concerning potential	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 81-84, 91). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from

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	<p>recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
72.	<p>Documents concerning the rationale or justification for undertaking the "Rovers Search and Rescue Infrastructure Contribution" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or</p>	<p>The Claimant seeks compensation from Canada for this \$109,000 expenditure (Sampath, ¶¶ 132-136, 144-145). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,</p>

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	potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
73.	Documents concerning the rationale or justification for undertaking the "Safety and Oversight Management System" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 16, 33-34). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.

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	<p>projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
74.	<p>Documents concerning the rationale or justification for undertaking the "SARA & Metal Analysis" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Noseworthy, ¶¶ 29-31). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada</p>

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	of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
75.	Documents concerning the rationale or justification for undertaking the "Seabird Activity and Aviation Operations Study (Nocturnal Migratory Bird Behavior)" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 17, 31-32). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

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	<p>from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>				<p>from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
76.	<p>Documents concerning the rationale or justification for undertaking the [REDACTED] expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 117-119, 123-124). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range

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					<p>of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
77.	<p>Documents concerning the rationale or justification for undertaking the "Shad Valley Program" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>The Claimant seeks compensation from Canada for this \$2,850,000 expenditure (Sampath, ¶¶ 81-84, 94-96). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the

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					Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
78.	Documents concerning the rationale or justification for undertaking the "Subsea Leak Detection" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 46-47; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to

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					determine at this stage whether such leave would be granted.
79.	Documents concerning the rationale or justification for undertaking the "Subsea Sentry System" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 51-53). See above statement of relevance and materiality under request #22. In particular note that this expenditure may have been moved from R&D facility in Houston (Sampath, ¶¶ 51-53).	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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80.	Documents concerning the rationale or justification for undertaking the "Synthetic Aperture Radar" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 65-66). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
81.	Documents concerning the rationale or justification for undertaking the [REDACTED]	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25,	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in

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	<p>██████████ expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.</p>	<p>60-61; Noseworthy, ¶¶ 26-28). See above statement of relevance and materiality under request #22.</p>		<p><i>mutandis</i>, to Document Request No. 22.</p>	<p>its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
82.	<p>Documents concerning the rationale or justification for undertaking the "Towing Icebergs" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures</p>	<p>The Claimant seeks compensation from Canada for this ██████████ expenditure (Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #22.</p>	<p>Mobil repeats its objection, <i>mutatis mutandis</i>, to Request No. 22.</p>	<p>Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i>, to Document Request No. 22.</p>	<p>1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from</p>

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	from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				<p>1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
83.	Documents concerning the rationale or justification for undertaking the "Towing, Sheltering and Recovery of TEMPSC Lifeboats/Life Rafts" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 16-17, 23-25). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath,

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	potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
84.	Documents concerning the rationale or justification for undertaking the "Wave Impact Study" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 56-57). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				<ol style="list-style-type: none"> The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
85.	Documents concerning the rationale or justification for undertaking the "Women in Science and Engineering Program" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 132-136, 150-151). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. The Tribunal notes that the Parties disagree about whether Canada

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	expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round request for documents from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
86.	Documents concerning the rationale or justification for undertaking the "WRDC Contributions" expenditure at Hibernia, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this \$261,750 expenditure (Sampath, ¶¶ 132-136, 152-153). See above statement of relevance and materiality under request #22.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's agreement (set out in its letter of 12 May 2016) to produce documents dated from 1 February 2009 onwards from the files of Messrs Sampath, Swett, Noseworthy, Durdle and Dunphy. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round request for documents

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	other actual or potential gain arising out of the expenditure.				from a broader group of individuals and/or covering a wider range of dates. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
DAMAGES – DOCUMENTS CONCERNING THE CLAIMANT’S ALLEGED INCREMENTAL EXPENDITURES AT TERRA NOVA					
87.	Documents concerning the rationale or justification for undertaking the “Arctic Offshore and Pipeline Engineering Course” expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant’s NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 117-119, 127-129). Documents which evidence the rationale and justification for undertaking the expenditure are relevant and material to the arbitration to determine whether the expenditure is truly incremental, ordinary course, or was pursued in order to seek its recovery against Canada under NAFTA Chapter 11. The requested documents are relevant and material to the quantification of the Claimant’s alleged loss in the arbitration.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 22. Additionally, Mobil is one of several independent investors in Terra Nova and, in any event, is not the operator.	Canada repeats its response to the Claimant’s objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant’s letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	other actual or potential gain arising out of the expenditure.	This request captures documents until the present time, that is, documents created both before and after the Claimant decided to make the expenditure.			Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
88.	Documents concerning the rationale or justification for undertaking the "Bioindicators" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Dunphy, ¶¶ 12-14, 19-20; Durdle, ¶17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
89.	Documents concerning the rationale or justification for contributions to the "Center for Artic Research and Development" or "CARD" made by Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 117-121). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
90.	Documents concerning the rationale or justification for undertaking the "Cold Climate Oil Spill Response Research Facility" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 75-76; Durdle, ¶17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
91.	Documents concerning the rationale or justification for undertaking the "Dual Polarized Radar" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-27, Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	other actual or potential gain arising out of the expenditure.				Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
92.	Documents concerning the rationale or justification for undertaking the "Dynamic Positioning in Ice" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 38-39; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
93.	Documents concerning the rationale or justification for undertaking the	The Claimant seeks compensation from Canada for this [REDACTED]	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis</i>	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	"Enhanced Iceberg and Sea Ice Shift Forecasting" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	expenditure (Sampath, ¶¶ 21-25, 32-33; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.		<i>mutandis</i> , to Document Request No. 22.	<p>letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
94.	Documents concerning the rationale or justification for undertaking the "Enhanced Satellite Radar" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI,	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 30-31; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<p>1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada</p>

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
95.	Documents concerning the rationale or justification for undertaking the "Enhancing the Operability of Offshore Personnel Transfer" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 16-19). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to

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					determine at this stage whether such leave would be granted.
96.	Documents concerning the rationale or justification for undertaking the "Environmental Impact of Seismic Activity on Shrimp Behavior" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Dunphy, ¶¶ 12-16; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
97.	Documents concerning the rationale or justification for undertaking the "Escape-Evacuation-Rescue (EER) in Ice JIP" expenditure at Terra Nova, including, but not limited to,	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Durdle, ¶¶ 16-17, 20-22). See above statement of	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	relevance and materiality under request #87.			<p>from Suncor the documents sought by the Respondent.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.</p>
98.	Documents concerning the rationale or justification for undertaking the "H2S Corrosion and Materials Laboratory and Basic Research on H2S Souring" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the	The Claimant seeks compensation from Canada for this \$3,667,889 expenditure (Sampath, ¶¶ 81-84, 99-104). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<p>1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent.</p> <p>2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for</p>

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	Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
99.	Documents concerning the rationale or justification for undertaking the "Ice Gouge Study" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 42-43; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
100.	Documents concerning the rationale or justification for undertaking the "Ice Loads on Floating Structures" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 34-35; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.

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101.	Documents concerning the rationale or justification for undertaking the "Ice Ocean Sentinel System" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this \$300,000 expenditure (Sampath, ¶¶ 81-84, 105-107). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
102.	Documents concerning the rationale or justification for undertaking the "Large Scale Iceberg Impact Experiment" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 21-25, 70-71; Noseworthy, ¶¶ 26-28; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent.

NO.	DOCUMENT OR CATEGORY OF DOCUMENTS REQUESTED	STATEMENT OF RELEVANCE AND MATERIALITY	MOBIL'S OBJECTIONS	CANADA'S RESPONSE TO MOBIL'S OBJECTIONS	DECISION OF THE TRIBUNAL
	credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, ntial returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.				2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
103.	Documents concerning the rationale or justification for undertaking the "Marine Dredge Disposal" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Dunphy, ¶¶ 12-14, 17-18; Durdle, ¶ 17). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the

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	other actual or potential gain arising out of the expenditure.				Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.
104.	Documents concerning the rationale or justification for undertaking the "Young Innovators Award" expenditure at Terra Nova, including, but not limited to, documents concerning potential recoverability of such expenditures from Canada under NAFTA Chapter 11, actual or potential tax savings or credits, deductions to royalty payments, offsets to Claimant's NPI, utilization of outcomes in other projects inside or outside the Province, returns on the expenditure goodwill, transfer of the expenditure into the Province from another jurisdiction, or any other actual or potential gain arising out of the expenditure.	The Claimant seeks compensation from Canada for this [REDACTED] expenditure (Sampath, ¶¶ 132-137). See above statement of relevance and materiality under request #87.	Mobil repeats its objection, <i>mutatis mutandis</i> , to Request No. 87.	Canada repeats its response to the Claimant's objection, <i>mutatis mutandis</i> , to Document Request No. 22.	<ol style="list-style-type: none"> 1. The Tribunal takes note of the Claimant's letter of 12 May 2016 and directs that the Claimant shall request from Suncor the documents sought by the Respondent. 2. The Tribunal notes that the Parties disagree about whether Canada would be entitled to make a second round of requests for documents. Any such request would require the leave of the Tribunal and the Tribunal considers it premature to determine at this stage whether such leave would be granted.