

APPENDIX A: REDFERN SCHEDULE FOR DOCUMENT REQUESTS

Pursuant to Canada's Motion for Targeted Document Production, and the format for document requests laid out by the Tribunal in Procedural Order No. 1 (Redfern Schedule), Canada requests that the Claimant produce the following documents, or narrow and specific categories of documents, that are reasonably believed to exist and that are relevant and material to a determination of whether security for costs are necessary in this arbitration. These documents are not in Canada's possession, custody or control. These documents should be in the possession, custody or control of the Claimant because they are either ordinary corporate records that would be retained by a corporate organization in the ordinary course of business or specific records regarding an ability to pay an adverse costs award in this arbitration.

In this Redfern Schedule, Canada uses certain terms and abbreviations, which have the following meanings:

1. "and" and "or" shall, where the context permits, be construed to mean "and/or";
2. "Claimant" means Tennant Energy, LLC, and includes any parent, subsidiary or affiliated enterprises, and all current and former managers, members, directors, officers, shareholders, partners, employees, representatives, contractors, agents, legal counsel, successors, assigns and consultants;
3. "Documents" means electronic files, photocopies and hard copies of draft and final documents including, but not limited to, internal or external correspondence, memoranda, plans, reports, technical documents, technical reviews, notes, minutes of meetings, transcriptions, facsimiles, corporate documents, financial documents, tax records, budgets, banking records, invoices, contracts, agreements, memoranda of agreement, memoranda of understanding, expressions of interest, models, charts, sound recordings, videos, film or other documents regardless of physical form or characteristics along with any annexes, appendices or other appended documents. Copies of documents that have been altered (*e.g.*, marginalia, handwritten notes) shall be considered to be separate documents from the original documents and shall be produced in the event that they are responsive to a document request set out below;
4. "Motion for Security for Costs" means Canada's Motion for Security for Costs and Disclosure of Third-Party Funding dated August 16, 2019;
5. "Motion for Targeted Document Production" means Canada's Motion for Targeted Document Production dated April 3, 2020;
6. "NOA" means the Notice of Arbitration served on Canada on June 1, 2017;
7. "PO4" means Procedural Order No. 4 dated February 27, 2020;
8. "LFA" means the Litigation Funding Agreement entered into between the Claimant and [REDACTED]; and
9. A reference to the singular of any noun is to be understood as including the plural, and vice-versa.

Requesting Party: Respondent (Government of Canada)

No.	Documents or category of documents requested	Relevance and materiality, including references to submission		Reasoned objections to document production request	Response to objections to document production request	Decision
		References to Submissions, Exhibits	Reasons for Request			
1.	All financial statements (audited or unaudited) from April 2015 to the present (including any prepared by external accountants) for the Claimant, including balance sheets, income statements, and cash flow statements, as well as documents discussing those financial statements.	NOA ¶¶ 10-11; Motion for Security for Costs ¶¶ 30 (FN 53, R-011) and 31; PO4 ¶ 181; Motion for Targeted Document Production ¶¶ 9-15.	Such documents are relevant to demonstrating the Claimant's financial condition, and are therefore material to an assessment of whether the Claimant would be able to comply with an adverse costs award in Canada's favour. The relevance and materiality of these documents is further explained in Canada's Motion for Targeted Document Production ¶¶ 9-15. April 2015 to the present is the appropriate time period for such a request, as the Claimant acquired its interest in Skyway 127 Wind Energy Inc. and became "Tennant Energy, LLC", (formerly "Tennant Travel Services, LLC",) in 2015. ¹			
2.	General ledgers, from April 2015 to the present, or equivalent accounting information, for the Claimant.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			

¹ R-011, Tennant Energy, LLC, Amendment to Articles of Organization of a Limited Liability Company (Apr. 20, 2015).

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		References to Submissions, Exhibits	Reasons for Request			
3.	Tax filings by the Claimant reporting the Claimant’s income (or if a single member limited liability company, its member’s income), from April 2015 to the present.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
4.	Bank account statements in the Claimant’s name and yearly bank account summaries for each account from April 2015 to the present.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
5.	Documents demonstrating any ongoing business operations of the Claimant from April 2015 to the present, or confirmation that there have been no/are no ongoing business operations.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
6.	Deeds or other records of any real property owned by the Claimant, including information on whether such property is encumbered or unencumbered.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
7.	Documents evidencing any other assets (tangible or intangible), or income, held by	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			

No.	Documents or category of documents requested	Relevance and materiality, including references to submission		Reasoned objections to document production request	Response to objections to document production request	Decision
		References to Submissions, Exhibits	Reasons for Request			
	the Claimant that would be available to satisfy a debt, to the extent such documents are not covered by request no. 6, or not included in the financial statements in Canada's request no. 1.					
8.	Documents discussing the Claimant's financial condition from April 2015 to the present.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
9.	Documents discussing the Claimant's ability or inability to pay an adverse costs award in this arbitration.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			
10.	Documents discussing Section 8 of the LFA, including the side letter entered into between the Claimant and ██████ in January 2018 with respect to section 8.1 of the LFA.	Canada repeats the references in Line 1, above.	Canada repeats the reasons in Line 1, above.			