

## FIRST WITNESS STATEMENT OF PARTHENYA TAIYANIDES

- 1) My name is Parthenya Taiyanides. I am a paralegal at the Reed Smith, LLP, located at 599 Lexington Ave, New York, NY 10022. I have worked at Reed Smith, LLP as a paralegal since October of 2016.
- 2) As I describe more fully below, on July 27, 2020, I accessed the website of the Permanent Court of Arbitration (“PCA”) and viewed certain witness testimony, presentations, and arguments that are publically available on that website in connection with the Mesa Power Group LLC v. Government of Canada arbitration (PCA Case No. 2012-17) (the “Mesa Arbitration”). In particular, I viewed the witness testimony of witnesses Sue Lo, Bob Chow, Rick Jennings, Jim MacDougall and Shawn Cronkwright. I viewed the expert witness evidence of Seabron Adamson, and the valuation experts from both sides. I was not a part of the legal team in the Mesa Arbitration.
- 3) I also viewed the Day 1 and Day 6 videos. In the Day 1 videos, I was able to view the opening statements and view the opening presentation slides of both Canada and the Investor. In the Day 6 videos, I was able to view the closing statements and view the closing presentation slides of both Canada and the Investor (subject to the exceptions I note below). In short, I viewed the opening statements in their entirety and the closing statement of Canada in its entirety. When I viewed the Day 6 Part 1 video (part 1 of the Investor’s closing statement), there was a technical problem with the website that only allowed me to watch the first 29:54 minutes of this Day 6, Part 1 video. I was able to see the remainder of Day 6 in its entirety. I also had some difficulty with the Day 6 Part IV video as there was a typographical error in its posted name on the website – but following the standard naming conventions for all the other videos, I was able to see this video as well by changing the numeral 5 to 4 in the address.
- 4) While I have included specific links to the video I reviewed below, the video I viewed can also be accessed through the “Video” section pertaining to the Mesa Arbitration, available at <https://pca-cpa.org/en/cases/51/>.
- 5) As I viewed that testimony and proceedings from the public PCA website, I also had a copy of the corresponding public hearing transcripts issued in that Mesa Arbitration. While I have included specific links to the transcripts I reviewed below, those transcripts can also be accessed through the “transcript” section pertaining to the Mesa Arbitration, available at <https://pca-cpa.org/en/cases/51/>. As a result, I was able to confirm that I heard and viewed testimony at the Mesa hearing via video on the PCA website that was redacted from the public hearing transcripts.

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- 6) Below is a summary of the information I viewed from the public PCA website in connection with the Mesa Arbitration that contains “Confidential” information as it pertains to the testimony of witnesses Sue Lo, Bob Chow, Rick Jennings, Jim MacDougall and Shawn Cronkwright and the closing arguments.

## A. Sue Lo Testimony

- 7) The testimony of Sue Lo took place on day 3 of the Mesa Arbitration and includes information that was identified as “Confidential” on the corresponding transcript. The video on the public PCA Website shows that “Confidential” information as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
Day 3, Part 1: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-1.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-1.mp4</a>	1:09:38 (pg. 65 of transcript - link below)	1:20:10	C-0673, C-0683
Day 3, Part 2: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-2.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-2.mp4</a>	1:24:45 (pg. 159 of transcript - link below)	1:26:32	C-0681 and Mesa Power’s presentation slides
	1:41:35 (pg. 172 of transcript - link below)	1:51:28	C-0629

- 8) The transcript corresponding to the testimony of Sue Lo available on the PCA website, and from which the “Confidential” information noted above has been redacted, can be accessed at the following link: <https://pcacases.com/web/sendAttach/1359>

## B. Bob Chow Testimony

- 9) The testimony of Bob Chow took place on day 3 of the Mesa Arbitration and includes information that was identified as “Confidential” on the corresponding transcript. The video on the public PCA Website shows that “Confidential” information as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
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Day 3, Part 4: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-4.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-4.mp4</a>	0:24:50 (pg. 307 of transcript - link below)	0:34:40	R-106, C-0657
	0:35:28 (pg. 308 of transcript - link below)	0:44:24	C-0702, C-0707, C-0703
	0:46:10 (pg. 309 of transcript - link below)	0:49:00	C-0708, C-0073 and Canada's presentation slides

- 10) The transcript corresponding to the testimony of Bob Chow available on the PCA website, and from which the “Confidential” information noted above has been redacted, can be accessed at the following link: <https://pcacases.com/web/sendAttach/1359>

## C. Rick Jennings Testimony

- 11) The testimony of Rick Jennings took place on day 2 of the Mesa Arbitration and includes information that was identified as “Confidential” on the corresponding transcript. The video on the public PCA Website shows that “Confidential” information as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
Day 2, Part 4: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%202-4.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%202-4.mp4</a>	0:16:27 (pg. 141 of transcript - link below)	0:24:40	C-0695, R-106
Day 2, Part 5: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%202-5.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%202-5.mp4</a>	0:08:00 (pg. 217 of transcript - link below)	0:29:50	C-0710, C-0711, C-0714, C-0696, C-0330, R-106
	0:40:30 (pg. 227 of transcript - link below)	0:43:40	C-0673

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12) The transcript corresponding to the testimony of Rick Jennings available on the PCA website, and from which the “Confidential” information noted above has been redacted, can be accessed at the following link: <https://pcacases.com/web/sendAttach/1358>

## D. Jim MacDougall Testimony

13) The testimony of Jim MacDougall took place on day 3 of the Mesa Arbitration and includes information that was identified as “Confidential” on the corresponding transcript. The video on the public PCA Website shows that “Confidential” information as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
Day 3, Part 3: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-3.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%203-3.mp4</a>	0:56:42 (pg. 239 of transcript - link below)	1:03:30	C-0068

14) The transcript corresponding to the testimony of Jim MacDougall available on the PCA website, and from which the “Confidential” information noted above has been redacted, can be accessed at the following link: <https://pcacases.com/web/sendAttach/1359>

## E. Shawn Cronkwright Testimony

15) The testimony of Shawn Cronkwright took place on day 4 of the Mesa Arbitration and includes information that was identified as “Confidential” on the corresponding transcript. The video on the public PCA Website shows that “Confidential” information as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
Day 4, Part 1: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%204-1.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%204-1.mp4</a>	0:42:52 (pg. 40 of transcript - link below)	0:53:15	C-0091
	1:30:24 (pg. 73 of	1:33:41	C-0438, C-0091

transcript -  
link below)

16) The transcript corresponding to the testimony of Shawn Cronkwright available on the PCA website, and from which the "Confidential" information noted above has been redacted, can be accessed at the following link: <https://pcacases.com/web/sendAttach/1360>

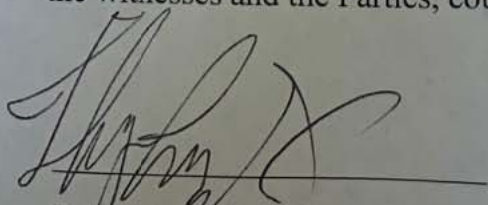
## F. Closing Arguments

17) Closing Arguments took place during day 6 of the Mesa hearing. The video from the closing has been divided into 6 parts on the PCA public website. However, only Parts 1 and 5 contain "Confidential" information, which I have summarized as follows:

PCA Video Link	Confidential Start Time	Confidential End Time	Documents Discussed or Shown During Confidential Session
Day 6, Part 1: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%206-1.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%206-1.mp4</a>	0:24:30 (pg. 22 of transcript - link below)	0:25:17	Mesa Power's Presentation Slide
Day 6, Part 5: <a href="https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%206-5.mp4">https://files.pca-cpa.org/play2.php?width=800&amp;height=600&amp;file=https://files.pca-cpa.org/mpg-ca/Day%206-5.mp4</a>	0:22:00 (pg. 273 of transcript - link below)	0:23:09	Canada's Presentation Slide

18) Per the transcript of day 6 of the Mesa Arbitration, "Confidential" information was discussed a second time during Part 1 of the day 6 video (as reflected starting on page 53 of the corresponding transcript). However, I was not able to view any portion of Part 1 of day 6 past the 30-minute mark on the video. I was, however, to review the remaining parts of the day 6 video (parts 2-6).

This statement dated August 10, 2020, was executed in Connecticut, USA. This statement was prepared in the English language. If called to testify, I would testify in the English language. I confirm that the above stated facts are true. I have no past and / or present relationship between the witnesses and the Parties, counsel, or members of the Tribunal.



Parthenya Taiyanides