

## ATTACHMENT #2

### **Detailed Response to the Attachment to the Nunavut Tunngavik Inc Oct. 28, 2014 Letter**

Our responses are set out below under the headings used in the October 28, 2014 letter. Note that we have left the actual timing for these steps to be determined subsequent to discussion among Counsel and the parties.

#### Facts not in dispute between GN and NTI

1. The GN will communicate with NTI in an attempt to develop a list of “Agreed Facts” for the proceeding.
2. The GN will discuss this process with NTI and Board counsel in order to set reasonable timelines for this initiative.

#### Document copies, lists, explanations and Statement

3. NTI has been provided with redacted electronic copies of all the newly discovered documents in the GN’s possession.
4. NTI and the Board have been provided with redacted electronic copies of all documents considered to be relevant to the GN position in this proceeding.
5. NTI and the Board will soon be provided with a Book of Documents which includes all of the documents considered to be relevant to the GN position in this proceeding.
6. The GN has provided redacted copies of all new documents to NTI. NTI has a complete set of the documents found by GN. We do not anticipate finding any new documents.

#### By December 1, 2014, the GN is to

7. NTI has electronic redacted versions of all new GN documents. NTI and the Board have the list a description and redacted copies of the new documents which GN considers relevant to this proceeding.
8. In the GN’s view, it is unnecessary and inappropriate to require a “written explanation how in the context of the written argument already filed or added at this time, each document supports the GN’s position regarding the BNL”. Such a requirement goes beyond anything required in civil litigation. We suggest NTI should be responsible for reading the new documents, GN argument, and making this determination for itself.
9. GN sees no purpose in the filing of a “Statement of Documents” with the Board as requested by NTI.

By January 15, 2014, NTI is to provide the GN and file with the Board

10. GN suggests that if NTI identifies and wishes to file new documents in response to those filed by GN, it should be subject to requirements similar to those imposed on the GN.
11. GN has not claimed privilege for any of the new documents discovered in the fall of 2014. NTI has been provided with copies of all these documents.
12. GN agrees that once the deadline is passed for NTI document disclosure that any new documents identified by either NTI or GN should be filed only with permission of the Board.

Witness lists, statements and fact specific directions

13. The GN has provided its proposed list of witnesses to the Board.
14. The GN will prepare a summary of the oral evidence which might be provided by each of these witnesses and will file that summary with the Board and copy NTI on a day to be determined.
15. These summaries will set out the major points which may be made by these witnesses in examination in chief.
16. If NTI decides to call witnesses it should provide a list and a summary of the major points of evidence to be provided by its witnesses to the Board and the GN on a date to be determined.

Ongoing disclosure

17. GN is aware of its obligations for disclosure and of the requirements fairness with respect to this NWMB proceeding. These obligations are of a continuing nature. We see no reason for the Board to issue specific directions in this respect.

Further written argument concerning facts and law

18. NTI has yet to reply to the GN's August 29, 2014 submission and new documents. That reply should be filed by NTI on a date to be determined.
19. NTI suggests that the "other parties may file their written reply to NTI's reply by March 31, 2015". The GN disagrees with this suggestion. If we characterize the GN as the applicant or proponent for the TAH required for Southampton Island Caribou, then all other parties are respondents. In that case, they should reply to the GN's position and arguments, if at all. We are unaware of any rationale for requesting the other respondents to reply to NTI's position as a "co-respondent".