

DEPUTY MINISTER  
SOUS MINISTRE  
JUSTICE  
FEB 26 2004  
04-003377  
RECEIVED / REÇU

**NOTICE OF INTENT TO SUBMIT A CLAIM TO ARBITRATION  
UNDER NAFTA CHAPTER 11**

**I. TYPE OF CLAIM**

The claim is intended to be submitted by:

- An investor of a Party on its own behalf. (SEE NAFTA ARTICLE 1116)
- An investor of a Party on behalf of an enterprise that is a juridical person that the investor owns or controls directly or indirectly. (SEE NAFTA ARTICLE 1117)

**II. DISPUTING INVESTOR**

**a) Full name of the disputing investor:**  
ALBERT J. CONNOLLY, PG  
1300 UNIVERSITY DRIVE, NE, UNIT 3  
ATLANTA, GEORGIA 30306  
  
BROWNFIELDS HOLDING, INC.  
P. O. Box 35143, ATLANTA, GA 30358

(SEE NAFTA ARTICLE 1119)

*If the disputing investor claims to be a national of a Party, please type the family name in all capital letters.*

**b) Indicate whether the disputing investor is:**

- A Party
- A state enterprise of a Party
- A national of a Party
- An enterprise of a Party

(SEE NAFTA ARTICLES 201 and 1139)

**c) For purposes of subparagraph (b), please identify the nationality of the disputing investor:**

- Mexico
- Canada
- United States

(SEE NAFTA ARTICLE 1139)

*If the disputing investor claims to be a national of a Party, please provide a copy of a passport or other evidence of nationality or citizenship.*

*If the disputing investor claims to be an enterprise of a Party, please provide a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party identified above.*

**d) Address of the disputing investor:**

|           |                           |                           |
|-----------|---------------------------|---------------------------|
| Address 1 | 1300 UNIVERSITY DRIVE, NE |                           |
| Address 2 |                           |                           |
| City      | ATLANTA                   | State or Province GEORGIA |
| Country   | USA                       | Postal Code 30306         |
| Phone     | 770-621-7708              | Fax 404-249-7970          |
| E-mail    | ALCONNOLLY2000@YAHOO.COM  |                           |

**III. CLAIM BY AN INVESTOR OF A PARTY ON BEHALF OF AN ENTERPRISE (SEE NAFTA ARTICLES 1117 AND 1119)**

**a) Name of the enterprise:** BROWNFIELDS HOLDING, INC.

**b) Address of the enterprise:**

|           |                 |                      |
|-----------|-----------------|----------------------|
| Address 1 | P. O. Box 28143 |                      |
| Address 2 |                 |                      |
| City      | ATLANTA         | State or Province GA |
| Country   | USA             | Postal Code 30358    |
| Phone     | 770-621-7708    | Fax 404-249-7970     |
| E-mail    |                 |                      |

*If the claim is submitted by an investor of a Party on behalf of an enterprise, please provide:*

- i) a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party against which the claim is asserted; and*
- ii) evidence of direct or indirect ownership or control of the enterprise by the disputing investor. This provision does not require the disclosure of confidential business information.*

**IV. INVESTMENT (SEE NAFTA ARTICLE 1139)**

Indicate the type(s) of investment(s) involved:

- |                          |  |                          |                                      |
|--------------------------|--|--------------------------|--------------------------------------|
| <input type="checkbox"/> | (a) an enterprise;                       | <input type="checkbox"/> | (c) a debt security of an enterprise |
| <input type="checkbox"/> | (b) an equity security of an enterprise; |                          |                                      |

- (i) where the enterprise is an affiliate of the investor, or
- (ii) where the original maturity of the debt security is at least three years, not including a debt security, regardless of original maturity, of a state enterprise;
- (d) a loan to an enterprise
  - (i) where the enterprise is an affiliate of the investor, or
  - (ii) where the original maturity of the loan is at least three years, not including a loan, regardless of original maturity, to a state enterprise;
- (e) an interest in an enterprise that entitles the owner to share in income or profits of the enterprise;
- (f) an interest in an enterprise that entitles the owner to share in the assets of that enterprise on dissolution, other than a debt security or a loan excluded from subparagraph (c) or (d);
- (g) real estate or other property, tangible or intangible, acquired in the expectation or used for the purpose of economic benefit or other business purposes; and
- (h) interests arising from the commitment of capital or other resources in the territory of a Party to economic activity in such territory, such as under
  - (i) contracts involving the presence of an investor's property in the territory of the Party, including turnkey or construction contracts, or concessions, or
  - (ii) contracts where remuneration depends substantially on the production, revenues or profits of an enterprise.

*Please provide evidence of direct or indirect ownership or control by the disputing investor, such as a copy of a title to property, a deed of incorporation of the enterprise, share certificates, a joint venture agreement, etc. To the extent that the disputing investor has provided any relevant evidence under Section III, it is not necessary to duplicate it under this Section. This provision does not require the disclosure of confidential business information.*

SEE ATTACHED PROFESSIONAL REPORT.

**V. LEGAL REPRESENTATIVE AND SERVICE OF DOCUMENTS**

a) Name: Last Name, First Name, Initial      CONNOLLY, ALBERT J.

b) Address: 1300 UNIVERSITY DRIVE, UNIT 3

Address 2 \_\_\_\_\_

|         |                          |                   |              |
|---------|--------------------------|-------------------|--------------|
| City    | ATLANTA                  | State or Province | GA           |
| Country | USA                      | Postal Code       | 30306        |
| Phone   | 770-621-7708             | Fax               | #04-249-7970 |
| E-mail  | ALCONNOLLY2000@YAHOO.COM |                   |              |

*Please provide a copy of a power of attorney or similar document that demonstrates that the legal representative is duly empowered to act on behalf of the investor.*

c) **Indicate the name and address of the person to whom correspondence should be directed.**

**Name:**           Last Name, First Name, Initial          CONNOLLY, ALBERT J.

**Address:**

|           |                           |                   |              |
|-----------|---------------------------|-------------------|--------------|
| Address 1 | 1300 UNIVERSITY DRIVE, NE |                   |              |
| Address 2 |                           |                   |              |
| City      | ATLANTA                   | State or Province | GEORGIA      |
| Country   | USA                       | Postal Code       | 30306        |
| Phone     | 770-621-7708              | Fax               | 404-249-7970 |
| E-mail    | ALCONNOLLY2000@YAHOO.COM  |                   |              |

**VI. PROVISIONS ALLEGED TO HAVE BEEN BREACHED AND OTHER APPLICABLE PROVISIONS (SEE NAFTA ARTICLE 1119)**

Indicate the provisions of NAFTA Chapter Eleven alleged to have been breached, and any other relevant provisions.

ENPROPRIATION AND COMPENSATION PER CHAPTER 7, SECTION 7.02 (O) AND SECTION  
7.03 SETTLEMENT OF INVESTMENT DISPUTES PLUS ALL OF THE ABOVE ARTICLES  
NOTED AS WELL AS ARTICLE 1110.

**VII. ISSUES AND THE FACTUAL BASIS FOR THE CLAIM (SEE NAFTA ARTICLE 1119)**

Describe the issues and the factual basis for the claim.

THE PROVINCE OF ONTARIO THROUGH THEIR MINISTRY OF NORTHERN DEVELOPMENT  
AND MINES (MNDM) REFUSED TO GIVE THE STATUTORY CREDIT FOR THE TIMELY  
SUBMITTED PROFESSIONAL REPORT PREPARED FOR WORK NO. W0290-01072. THE  
WORK REPORT AFOREMENTIONED WAS PREPARED BY ALBERT J. CONNOLLY, PG ON  
BEHALF OF BROWNFIELDS HOLDING, INC. THE UNLAWFUL ACTION BY MNDM WANTON,  
WILFUL AND DELIBERATELY DESIGNED TO FORCE THE FORFEITURE OF THE CLAIMANT'S  
PROPERTY KNOWN AS CLAIM SITE NUMBER 1184025 INCLUDING ALL CULMULATIVE  
ASSESSMENT CREDIT PREVIOUSLY PERFORMED.

MINISTRY OF NORTHERN DEVELOPMENT AND MINES MOTIVES WERE DESIGNED SO  
THAT THE PLAINTIFF'S PROPERTY WOULD BE FORFEITED AND THAT THE COMMERCIAL  
MARBLE PROPERTY IN QUESTION THEN WOULD BE PART AND PARCEL OF THE PROVINCE  
OF ONTARIO'S LIVING LEGACY PROGRAM.

**VIII. RELIEF AND AMOUNT OF DAMAGES (SEE NAFTA ARTICLE 1119)**

Indicate the relief sought and the approximate amount of damages claimed.

RETURN OF THE CLAIM SITE NUMBER 1184025 PLUS CREDIT FOR (1) ACCUMULATED  
ASSESSMENT WORK, INCLUDING CREDIT FOR THE PROFESSIONAL PAPER IN QUESTION  
AND THEN TAKEN TO LEASE. IN THE ALTERNATIVE, MONEY DAMAGES FOR LOST  
REVENUES ET AL. AS COMPENSATION AND IN ACCORDANCE WITH ARTICLE 1110  
ET AL. INCLUDING BUT NOT LIMITED TO DAMAGES FOR TROVER AND CONVERSION.

ALBERT J. CONNOLLY  
Albert Connolly

Name and Signature

Date

February 19, 2004

**Places for Delivery of Notices of Intent:**

1300 UNIVERSITY DR NE  
ATLANTA GEORGIA  
30306  
USA.

**For Canada:**

**Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario  
K1A 0H8  
Canada**

**For United Mexican States:**

**Dirección General de Inversión Extranjera  
Secretaría de Economía  
Insurgentes Sur 1940, piso 8  
Col. Florida  
México, D.F. 01030  
México**

**For United States of America:**

**Executive Director (L/EX)  
Office of the Legal Adviser  
U.S. Department of State  
Washington, D.C. 20520  
USA**

**UNOFFICIAL - SUBJECT TO VERIFICATION IN ALL THREE NAFTA LANGUAGES**