

Ottawa, Wednesday, January 26, 2000

File No.: PR-99-034

IN THE MATTER OF a request from MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc., dated January 24, 2000, for the disclosure of a protected document to Mr. Gerald J. Thompson to assist their counsel in the preparation of their response to the Government Institution Report;

AND IN THE MATTER OF a complaint filed by MIL Systems (a Division of Davie Industries Inc. and Fleetway Inc.) under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c.47, and an inquiry by the Canadian International Trade Tribunal under subsection 30.13(1) of the *Canadian International Trade Tribunal Act*.

ORDER OF THE TRIBUNAL

Having considered the request from MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. (MIL and Fleetway) and the submissions of the Department of Public Works and Government Services and the intervener, Siemens Westinghouse Technical Services, a division of Siemens Westinghouse Incorporated, the Canadian International Trade Tribunal orders that a copy of the requested protected document (the Marystown Purchase Order No. 4340-05) may be disclosed to Mr. Gerald J. Thompson, a person providing assistance to counsel for MIL and Fleetway in the preparation their clients' response to the Government Institution Report. This disclosure is subject to the following conditions:

1. Mr. Thompson will execute the attached Undertaking and Acknowledgment. Counsel for MIL and Fleetway, Messrs. J. Bruce Carr-Harris and David Sherriff-Scott, will countersign the said document to acknowledge that Mr. Thompson is working under their direction and control.
2. Mr. Thompson shall have access to the Marystown Purchase Order at the Ottawa offices of the law firm of Borden Elliot Scott & Aylen.
3. Mr. Thompson shall, under the conditions of his Undertaking and Acknowledgement,
 - use the information disclosed exclusively for purposes of the subject proceeding;
 - not divulge information disclosed to any person for any purpose;

- not reproduce, in any manner, information disclosed; and
- return to the Secretary of the Tribunal any notes, tables and memoranda created based on that protected document.

Arthur B. Trudeau
Arthur B. Trudeau
Presiding Member

Michel P. Granger
Michel P. Granger
Secretary

CANADIAN INTERNATIONAL TRADE TRIBUNAL

UNDERTAKING AND ACKNOWLEDGEMENT

IN THE MATTER OF a request from MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. for the disclosure of a protected document to Mr. Gerald J. Thompson to assist their counsel in the preparation of their response to the Government Institution Report;

AND IN THE MATTER of a complaint filed by MIL Systems (a Division of Davie Industries Inc.) and Fleetway Inc. under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47, and an inquiry by the Canadian International Trade Tribunal under subsection 30.13(1) of the *Canadian International Trade Tribunal Act*; and

WHEREAS the Tribunal has issued an Order dated January 26, 2000, directing that the person to whom disclosure is made shall not disclose any of the confidential information to any person and shall not use the confidential information for any purpose, other than in and for the purpose of this inquiry.

UNDERTAKING

I, Gerald J. Thompson undertake

- (a) to use the information disclosed under the conditions of this Undertaking exclusively for purposes of the subject proceeding;
- (b) not to divulge information disclosed under the conditions of this Undertaking to any person for any purpose;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking;
- (d) to keep confidential the information disclosed under the conditions of this Undertaking;
and
- (e) to return to the Secretary of the Tribunal any notes, tables and memoranda created based on that confidential information at the end of my participation in this proceeding.

ACKNOWLEDGEMENT

I hereby acknowledge that disclosure by me of some or all of the confidential information to which I have been given access could result in economic harm to Marystown Shipyard Ltd. and Siemens Westinghouse Technical Services, a Division of Siemens Westinghouse Incorporated.

Dated at _____ this _____ 2000.

Signature: _____

Name: _____

Address: _____

Countersigned by Counsel for MIL and Fleetway

Dated at _____ this _____ 2000.

Signature: _____

Name: _____

Signature: _____

Name: _____

Address: _____

