

ICSID CASE NO. ARB/20/11 – Annulment Proceedings

Applicants' Redfern Schedule submitted with Second Application for Document Production  
6 May 2025

With Norway's Responses dated 27 May 2025

**Introduction to Norway's Responses to the Applicants' Second Redfern Schedule**

This Response to the Applicants' Second Redfern Schedule is intended to be read alongside Norway's Response dated 27 May 2025 ("**Second Response**") to the Applicants' second Application for Document Production ("**Second Application**"). As set out in that Second Response, Norway's primary position is that (save for the documents which Norway has already offered in its Counter-Memorial to produce), no further document production is necessary in this annulment proceeding. Further, Norway recalls that the Applicants have not pointed to a single instance of Norway using in its submissions in the arbitration any information obtained from the allegedly conflicted sources. Norway's submissions were based entirely upon the Applicants' own pleadings and on publicly available information.

Norway invokes its right to withhold the production of legally privileged documents. The Applicants no longer seek the intervention of a third party to determine privilege claims, and do not appear to invoke any alleged exception to the principle of privilege.

Further and in any event, and as set out in further detail below and in the Second Response, the Applicants' Second Redfern Schedule seeks Documents which are largely *irrelevant* in relation to the pleaded annulment case, and would be overburdensome for Norway to produce. The Applicants' broad requests cover potentially many thousands of documents and communications, including (notably) emails and all or most of the work product from Norway's external advisors. Further, the Applicants' have defined "Norway" in an unrealistically broad way, extending to "*all its ministries and departments and agencies and entities which are either State organs or over which Norway exercises control, including agencies and entities exercising governmental authority, and including for example the Institute of Marine Research*". This will result in there being a very large number of departments and institutions to contact and a very large number of documents to sift through, and inevitably a very large proportion of 'false positives' that bear no conceivable relation to the Applicants' claim that Norway intentionally hired advisers in the arbitration with conflicts of interest. Norway therefore reserves its rights, including its right to seek an extension of the time allocated (currently two weeks, which will plainly be insufficient if all or most of the Applicants' requests are granted) in which to produce any disclosure which the Committee orders. Where appropriate, Norway has set out in its responses to the Redfern schedule which parts of the Norwegian Government are likely to have relevant documents.

Documents containing information that is confidential under Norwegian law will only be produced as redacted documents, pursuant to Section 13 of the Norwegian Public Administration Act of 10 February 1967. According to Section 13 it is the duty of any person rendering services to, or working for, an administrative agency, to prevent others from gaining access to, or obtaining knowledge of, any matter disclosed to him in the course of his duties concerning 1) an individual's personal affairs, or 2) technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns. These duties apply to the Norwegian Ministry of Foreign Affairs and were also applied in the underlying arbitration.

Finally, and once again, Norway has (a) removed the column headed “Reply to Objections to Document Request”, as the procedural timetable includes no provision for a Reply from the Applicants; and (b) changed “Tribunal” to “Committee” in the final column.

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The following Definitions apply to Applicants’ document production requests:

**And:** “and” means and/or;

**Applicants:** “Applicants” or “Appl.” means the Applicants in the annulment phase of ICSID Case. NO. ARB/20/11, *ie* Mr. Peteris Pildegovics and SIA North Star;

**Counter-Memorial:** “Counter-Memorial” or “CM” means Norway’s Counter-Memorial on Annulment submitted on 22 April 2025;

**Documents:** “Documents” or “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, agendas, 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;

**Norway:** “Norway” means the Respondent in ICSID Case No. ARB/20/11, and also the Kingdom of Norway, including all its ministries and departments and agencies and entities which are either State organs or over which Norway exercises control, including agencies and entities exercising governmental authority, and including for example the Institute of Marine Research (*IMR*).

**Norway’s In-House Counsel Team:** Norway’s in-house legal team composed of lawyers and/or jurists and/or relevant staff past and present within relevant ministries of the government of Norway, including, but not limited to the Ministry of Foreign Affairs, and including but not necessarily limited to Mr. Helge Seland, Mr. Kristian Jervell, Mr. Olav Myklebust, Ms. Margrethe Norum, Ms. Krystyna Nygard, Mr. Fredrik Bergso, Mr. Vidar Lindmark, Mr. Marius Emberland and Mr. Martin Sorby.

**Norway’s External Counsel Team:** Norway’s lawyers, jurists or other relevant staff retained for and/or in relation to ICSID Case ARB/20/11 including but not necessarily limited to Vaughan Lowe KC, Professor Alain Pellet, Mr. Mubarak Wasseem, Mr. Ludovic Legrand and Mr. Ysam Souhalhi.

**Glimstedt Law Firm:** All Glimstedt offices and/or firms within the network of the Glimstedt law firm, including its offices and/or firms in Sweden, Latvia, Lithuania and Estonia.

**Request for Annulment:** Applicants’ Request for Annulment in respect of ICSID ARB/20/11 of 22 February 2024.

**Memorial for Annulment:** Applicants’ Memorial for Annulment of the Award of 22 December 2023 in respect of ICSID ARB/20/11 of 21 January 2025.

No.	Document(s) or categories of documents requested from Norway	Relevance and Materiality according to Requesting Party	Objections to Document Request	Committee's Decision
<b>1. <u>RULES ON CONFLICTS OF INTEREST APPLICABLE TO NORWEGIAN GOVERNMENT LEGAL COUNSEL</u></b>				
1.	Any guidelines or other rules or directives applicable to Norway's Attorney General and/or the Ministry of Justice and/or the Ministry of Foreign Affairs regarding how Norway's state lawyers or counsel or other state legal representatives address potential or actual conflicts of interest when representing the State, including in international cases	Norway has hired several law and other professional services firms with conflicts of interest. These multiple and repeated conflicts of interest have created a significant and material inequality of the parties which requires annulling the entire award (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b> ). The award must be annulled whether because Norway was intentionally seeking out firms with conflicts of interest, or whether this was merely done through negligence or lack of appropriate checks, or for any other reason. Moreover, whose actions are to blame is irrelevant for annulment purposes and, in any event, not only did the relevant professional firms naturally have the obligation to verify conflicts of interest, but Norway also had an obligation, especially as it has been and is acting through the legal department of the Ministry of Foreign Affairs, to conduct relevant conflicts of interest	<p>Norway's Second Response (accompanying this Redfern Schedule) sets out its objection to further document production in general terms.</p> <p>Norway records that it is inappropriate for the Applicants to predicate this request on the alleged basis that "<i>Norway has hired several law and other professional services firms with conflicts of interest</i>". In fact, in the Tribunal's PO-9 it found that KPMG was conflicted, found that Wikborg Rein was <i>not</i> conflicted, and made no findings in respect of Glimstedt ZAB SIA.</p> <p>Norway objects to this request insofar as it relates to guidelines applying to arms of</p>	Granted, but limited to the guidelines, rules or directives applicable to the Ministry of Foreign Affairs.

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		<p>searches, provide relevant information to outside firms, request a response on conflicts searches, and otherwise apply applicable norms to ensure the absence of conflicts of interest of counsel and other professional advisers, as required by international law in an ICSID arbitration. The existence of relevant rules applicable within the Norwegian government to how government lawyers or legal representatives must treat conflicts of interest is thus highly relevant. It goes to establishing whether the Ministry of Foreign Affairs followed any such guidelines, which is relevant to Applicants' annulment ground that failure to do so created substantial inequality between the parties.</p> <p>Applicants also contest Norway's position set out at paragraph 70 of its <b>Counter-Memorial on Annulment</b> according to which conflicts checks due diligence was solely the responsibility of professional firms hired by Norway.</p>	<p>the Norwegian government <i>other than</i> the Ministry of Foreign Affairs (<b>MFA</b>), who were responsible for instructing Wikborg Rein, KPMG AS and Glimstedt ZAB SIA. The MFA would not need to have regard to guidelines, rules or directives applicable only to other arm of the Norwegian Government.</p>	

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<p><b>2. <u>DOCUMENTS OTHER THAN THOSE PRODUCED ESTABLISHING NORWAY ASKED KPMG, WIKBORG AND GLIMSTEDT WHETHER THEY HAD CONFLICTS AND DOCUMENTS OTHER THAN THOSE PRODUCED SHOWING KPMG, WIKBORG AND GLIMSTEDT CONFIRMED THEY HAD NO CONFLICTS</u></b></p>				
2.	Any document, other than those produced, where the Ministry of Foreign Affairs or any other branch or office of the government of Norway asks Glimstedt, KPMG AS and/or Wikborg Rein to confirm its absence of conflict of interest to advise and/or counsel Norway in relation to ICSID Case ARB/20/11 or to otherwise work on the matter	<p>Norway has produced exchanges between the Ministry of Foreign Affairs and Wikborg Rein, Glimstedt, and KPMG AS leading to the conclusion of agreements to conduct work on ICSID Case ARB/20/11. However, none of the documents produced contains any explicit request to any of the firms that they not have a conflict of interest to act in the case.</p> <p>It is not expected there will be any responsive document. However, it would be helpful to Applicants' case to confirm no such documents exist.</p> <p>It is Applicants' position that the existence of multiple and repeated conflicts of interest have created a significant and material inequality of</p>	<p>Norway objects to this request.</p> <p><i>First</i>, Norway does not consider that any further production is warranted, as set out in its Second Response.</p> <p><i>Secondly</i>, these documents are neither relevant nor material. Crucially, the Applicants' argument for relevance and materiality is <i>not</i> their case in this proceeding. As Norway set out in its response to the first Redfern schedule, and PO-3 ¶46, the allegation made against Norway is that it "<i>deliberately sought to procure inside information</i>". Thus, as the <i>ad hoc</i> Committee continued in PO-3 ¶50: "<i>the ultimate focus of the</i></p>	<p>Denied. On the Applicants' own case, they are trying to prove a negative ("it is not expected there will be any responsive documents"). Thus, this is not a request for a category of documents that is reasonably expected to exist. Moreover, Respondent has indicated it has no further documents at least at the pre-engagement stage.</p>

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		<p>the parties which requires annulling the entire award (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>). While the existence of this objective inequality is sufficient in and of itself to annul the award in its entirety, professional services' firms failure to confirm the absence of conflict of interest would be relevant to the annulment ground.</p>	<p><i>Committee must be on [...] whether the Respondent <u>knowingly and deliberately</u> took advantage of [conflicts of interest] in the arbitral proceedings. This focus should in turn inform any decisions of the Committee with respect to production of documents on these issues".</i></p> <p>The Applicants now describe their position as being that the “existence” of alleged conflicts of interest require annulment of the award, referring to their Memorial ¶¶176, 228. However, ¶176 refers to Norway allegedly having “acted intentionally in a way to ensure that it would gain an improper advantage over [the] Applicants”, and ¶228 is a conclusion paragraph that follows on from the allegations that Norway intentionally hired conflicted advisers.</p>	

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			<p>The Documents requested thus do not go to the Applicants <i>actual</i> case, which is that Norway knew about the alleged conflicts of interest, and nevertheless hired the relevant firms in order to gain an improper advantage.</p> <p><i>Thirdly</i>, If this request is limited to Norway's <b><u>pre-engagement</u></b> conduct, which it must be given the allegations made against Norway, then Norway confirms that it has no further responsive documents to disclose other than those already produced and those set out in Requests Nos. 4 and 5 below.</p> <p><i>Fourthly</i>, and insofar as the <b><u>post-engagement</u></b> position is concerned, as well as being irrelevant and immaterial to the pleaded annulment case, Norway's discussions with the relevant firms once their engagement had begun are</p>	



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			protected by legal privilege (as the Applicants have recognised) and Norway does not waive privilege in those Documents.	
3.	Any document, other than those produced, where Glimstedt, KPMG AS and/or Wikborg Rein confirms to Norway's Ministry of Foreign Affairs or any other branch or office of the government of Norway its absence of conflict of interest to advise and/or counsel Norway in relation to ICSID Case ARB/20/11 or to otherwise work on the matter	<p>Norway has produced exchanges between the Ministry of Foreign Affairs and Wikborg Rein, Glimstedt, and KPMG AS leading to the conclusion of the agreements to conduct work in ICSID Case ARB/20/11. However, none of the documents produced contains any explicit statement from any of the firms that they not have a conflict of interest to act in the case.</p> <p>It is not expected there will be any responsive document, but it would be helpful to Applicants' case to confirm no such documents exist.</p> <p>While the existence of this objective inequality is sufficient in and of itself to annul the award in its entirety (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>), Norway's</p>	This appears to be the inverse of Request No. 2, and Norway repeats its responses thereto.	Denied: same as request no. 2.

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		failure to explicitly verify the existence of conflicts of interest would be relevant to the annulment ground.		
4.	Email of 29 March 2021 from the Norwegian Ministry of Foreign Affairs to the Norwegian Embassy in Riga	<p>Norway offers to submit this document (<b>Norway's Counter-Memorial on Annulment</b>, para. 73, fn 81). Norway states this document may establish that Norwegian authorities, here the Norwegian embassy in Riga, verified the absence of conflict of interest.</p> <p>The relevance and materiality of this document is established by Norway's offer to submit and/or produce it.</p> <p>In any event, this document squarely goes to Applicants' annulment ground that substantial inequality existed because of multiple conflicts of interest, including because of Norway's conduct (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>).</p>	No objection. Norway seeks the <i>ad hoc</i> Committee's permission to add this document to the record as <b>R-0473-ENG</b> and to refer to it at the hearing.	No decision is required from the Committee on production; the Committee grants permission to add this document to the record as requested by the Respondent.
5.	Email of 30 March 2021 from the Norwegian Embassy in Riga to the Norwegian Ministry of Foreign Affairs	Norway offers to submit this document ( <b>Norway's Counter-Memorial on Annulment</b> , para. 74, fn 82). Norway states this document may establish that	No objection. Norway seeks the <i>ad hoc</i> Committee's permission to add this document to the record as <b>R-</b>	Same as request no. 4.

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		<p>Norwegian authorities, here the Norwegian embassy in Riga, verified the absence of conflict of interest.</p> <p>The relevance and materiality of this document is established by Norway's offer to submit and/or produce it.</p> <p>In any event, this document squarely goes to Applicants' annulment ground that substantial inequality existed because of multiple conflicts of interest, including because of Norway's conduct (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>).</p>	<b>0474-ENG</b> and to refer to it at the hearing.	
<b>3. <u>FRAMEWORK AGREEMENTS WITH KPMG AND WIKBORG</u></b>				
6.	Framework Agreement between the Ministry of Foreign Affairs of Norway and KPMG applicable at the time the Purchase Order of December 2020 was entered into for services related to ICSID Case ARB/20/11	<p>Norway refers to this Framework Agreement in its <b>Counter-Memorial on Annulment</b>: paras. 66, 90, 85.</p> <p>The Framework Agreement may be relevant to determine if there were</p>	Norway's Second Response (accompanying this Redfern Schedule) sets out its objection to further document production in general terms.	In light of Norway's agreement to produce with redactions, no decision is required from the

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		<p>contractual obligations between the parties to conduct due diligence in respect of conflicts of interest, an issue relevant to Applicants' annulment ground.</p> <p>What rules or guidelines Norway and/or KPMG may have followed (or not) to ensure the absence of conflicts of interest is relevant to Applicants' annulment ground that substantial inequality existed because of multiple conflicts of interest, including because of Norway's conduct (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>).</p>	<p>For the reasons set out in response to Request No 2, this request is neither relevant nor material.</p> <p>However, in the interests of transparency, Norway will disclose this document to the Applicants, redacting confidential information within the meaning of PO-1.</p>	Committee at this time.
7.	2019 Framework Agreement with Wikborg Rein Advokatfirma AS between the Ministry of Foreign Affairs of Norway and KPMG applicable at the time the Purchase Order of 3 December 2020 was entered into for services related to ICSID Case ARB/20/11	<p>Norway refers to this Framework Agreement in its <b>Counter-Memorial on Annulment</b>: paras. 66, 89, 102.</p> <p>The Framework Agreement may be relevant to determine if there were contractual obligations between the parties to conduct due diligence in respect of conflicts of interest, an issue</p>	See response to Request No 6.	Same as request no. 6.

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		<p>relevant to Applicants' annulment ground.</p> <p>What rules or guidelines Norway and/or Wikborg Rein may have followed (or not) to ensure the absence of conflicts of interest is relevant to Applicants' annulment ground that substantial inequality existed because of multiple conflicts of interest, including because of Norway's conduct (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>).</p>		
<p><b>4. <u>DOCUMENTS ON ANY ETHICAL WALLS ESTABLISHED BY HIRED FIRMS</u></b></p>				
8.	Any document evidencing an ethical wall to prevent any potential or actual conflicts of interest established by Glimstedt, KPMG AS and/or Wikborg Rein in relation to its mandate advise Norway regarding ICSID Case ARB/20/11	In its <b>Counter-Memorial on Annulment</b> , at para. 70, Norway states: <i>"Professional counsel and advisers must be presumed to have systems and procedures in place that enable and require them to conduct a due diligence review and conflicts checks before taking on a specific instruction."</i>	Norway repeats its response to Request No 2. Norway objects to this request. As with Request No 2, this request is irrelevant and immaterial as it does not go to the Applicant's actual case, which is that Norway intentionally hired	Granted. This is a narrow and specific request related to documents that are in the Committee's view prima facie relevant and material to how the

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		<p>To</p> <p>Where there is a risk of conflict of interest, the onus shifts to the party with the apparent conflict of interest to prove that no conflict of interest occurred and/or that no confidential information was improperly shared.</p> <p>Whether ethical walls were set up to ensure no confidential information improperly passed to Norway's counsel and advisers in ICSID Case ARB/20/11 is thus relevant to Applicants' annulment ground that substantial inequality existed because of multiple conflicts of interest, including because of Norway's conduct (see eg paras. 176, 228 of <b>Applicants' Memorial on Annulment</b>).</p>	<p>these firms despite the absence of a conflict of interest. Further, as with Request No 2, Norway does not waive privilege in respect of any documents that post-date the engagement of these firms and there is no basis whatsoever for the Applicants to request Documents which post-date Norway's engagement of these firms.</p> <p>Further, the Applicants have provided no support for their assertion that there is an "<i>onus</i>" on "<i>the party with the apparent conflict of interest</i>" to prove the absence of any such conflict, and Norway does not accept this proposition.</p>	<p>conflict issues were addressed if at all. In so deciding, the Committee assumes that to the extent privilege attaches to any documents covered by this request, any production will be redacted to deal with privilege elements which should in any event be limited with respect to a document of this nature and properly noted in a privilege log.</p>
<b>5. <u>INTERNAL DOCUMENTS OF NORWAY ON LINKS BETWEEN KPMG AND SEAGOURMET OR KIRILL LEVANIDOV</u></b>				
9.	Any document created within Norway's In-House Counsel Team	Applicants' position is that Norway appears to have contacted professional	Norway objects to this Request. Norway refers	Denied. Applicants have

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	<p>or within Norway's External Counsel Team prior to December 2020 (when KPMG AS was retained) and referring to both KPMG AS, on the one hand, and on the other hand, Kirill Levanidov and/or Seagourmet AS</p>	<p>firms close to Applicants and their business partners, in order to try to improperly gain confidential information (as recalled by Norway in its <b>Counter-Memorial on Annulment</b>, para. 94, regarding KPMG AS). One of Norway's goals appears to have been to try to establish that Mr. Pildegovics was not the "real investor". Norway thus sought to examine other sources of money flows to North Star, notably funds related to Mr. Levanidov, Mr. Pildegovics' cousin and business partner, and Mr. Levanidov's companies such as Seagourmet AS (formerly known as Ishavsbrucket). See the <b>Award</b>, at paras. 224, 225, 234, 283-286, where the Tribunal considered and rejected Norway's argument.</p> <p>However, Norway in its <b>Counter-Memorial on Annulment</b> now tries to distance itself from its fishing expedition initially attempting to establish that Mr. Levanidov and his companies were "the real investors". At paragraph 95, Norway now asserts, unconvincingly: "<i>As to the first fact,</i></p>	<p>generally to its response to Request No 2. However, Norway also relies on the following points:</p> <p><i>First</i>, Norway has already, in response to the First Redfern Schedule, produced 15 documents and communications (including attachments) between the Norwegian Ministry of Foreign Affairs and KPMG AS dating from the period before entering into the Ministry's purchase order with KPMG AS. This request goes further, and seeks internal (and privileged) documents created by Norway's in-house or external legal teams. Such documents are by their nature privileged.</p> <p><i>Secondly</i>, this request is irrelevant and immaterial. Norway has not alleged in its Annulment Counter-Memorial that Seagourmet was "<i>irrelevant</i>" (it clearly was</p>	<p>not made a sufficient showing of exceptional circumstances to justify granting this request.</p>

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		<p><i>Seagourmet Norway AS is not a party to the dispute. Its finances were never a contentious issue in the proceedings.</i>" Norway also recalls, at paragraph 94 of its <b>Counter-Memorial on Annulment</b>, that: "<i>The Applicants' allegations of conflict of interest were based on two facts: (1) that KPMG AS in the period 2009-2014 acted as auditor for Seagourmet Norway AS, the company that took delivery of much of North Star's snow crab catches;</i>".</p> <p>Norway's position that Seagourmet and its finances were irrelevant are disproved by Norway's own Purchase Order for KPMG AS' services of 3 December 2021: <b>A-0159</b> (<a href="#"><u>a document produced by Norway on 18 March 2025</u></a>); see also <b>A-0158</b> (<a href="#"><u>a document produced by Norway on 18 March 2025</u></a>), being an email of same date to which the Purchase Order was attached.</p> <p>In the Purchase Order dated 3 December 2020 for KPMG AS's services, section 1 "Description of the</p>	<p>relevant), but that Seagourmet's financial position (i.e. the sort of material that KPMG AS as its auditor would have had access to) was not contentious. The Parties did disagree about who the "real" investor was, and Norway submitted evidence of the financial links between Mr Levanidov's companies and the Applicants. In its Annulment Counter-Memorial Norway set out that it engaged KPMG "<i>to get a better understanding of the financial aspects of the case and the relationship between different actors</i>" (at ¶88). But none of this goes to whether Norway intentionally hired KPMG in order to exploit a known conflict of interest and gain an improper advantage.</p>	



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		<p>assistance requested” states that Norway requires “mapping” and “financial assessment” that will lead to a report regarding “underlying economic interests and the connection between the actors” which included not only Mr. Pildegovics and his companies North Star and Sea &amp; Coast, as well as other persons, but also:</p> <ul style="list-style-type: none"> <li>• “Seagourmet Norway AS”</li> <li>• “Batsfjord Fangst”</li> <li>• “Kirill Levanidov (alleged part of the Joint Venture, 60% owner of Seagourmet Norway AS and sole owner of Batsfjord Fangst AS, resident and citizen of the United States, Pildegovics’ cousin)”</li> </ul> <p>Since KPMG AS was indeed the auditor of Seagourmet AS between 2009-2014 when it was called Ishavsbrucket AS (<b>Applicants’ Memorial on Annulment</b>, para. 210), then Norway asked KPMG to investigate the</p>		

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		<p>company it had itself audited, creating a manifest conflict of interest.</p> <p>As such, any documents predating the Purchase Order, from within the government of Norway and its counsel team (including its external counsel team and other service providers), mentioning both KPMG AS and Mr. Levanidov or both KPMG AS and Seagourmet are clearly relevant to Applicants' ground for annulment that Norway appears to have been seeking information from persons close to Applicants, possibly in an improper manner, which one way or another would create conflicts of interest and a fundamental inequality between the parties: see eg <b>Applicants' Memorial on Annulment</b>, paras. 176, 228.</p>		

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<b>6. <u>KPMG FINAL REPORT OF JANUARY 2021</u></b>				
10.	KPMG AS final report of January 2021	<p>This report is material as it is mentioned by Norway in its <b>Counter-Memorial on Annulment</b>, at para. 92.</p> <p>Despite Norway's assertion that Seagourmet was not at issue in the arbitration, the Purchase Order for KPMG AS' services (<b>A-0159</b>) required that it investigate financial links of various persons with Mr. Pildegovics and North Star, including those of Mr. Levanidov and Seagourmet. KPMG AS conducted this investigation even though KPMG AS was Seagourmet's auditor between 2009-2014 (<b>Applicants' Memorial on Annulment</b>, para. 210), and thus had a manifest conflict of interest in conducting the assignment.</p> <p>The KPMG AS final report of January 2021 therefore cannot be covered by any privilege or confidentiality as it was</p>	<p>Norway has not alleged that Seagourmet was "<i>not at issue</i>" in the Arbitration. Its comments in its Annulment Counter-Memorial ¶95 were: "<i>Seagourmet Norway AS is not a Party to the dispute. Its finances were never a contentious issue in the proceedings</i>".</p> <p>Norway objects to this Request.</p> <p><i>First</i>, by its nature this request seeks the confidential and privileged work product of KPMG. For all of the reasons set out in Norway's response to the First Application, and the Committee's PO-3 and decisions on the First Redfern Schedule, Norway declines to provide privileged information.</p>	<p>Denied. Applicants have not made a sufficient showing of exceptional circumstances to justify granting this request.</p>

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		<p>prepared in manifest breach of the obligation not to act with a conflict of interest (in addition to the other manifest conflict of interest relating to the fact KPMG worked for Applicants in the same case). Further, the KPMG AS final report of January 2021 is material to Applicant's position that Norway hired professional services firms with conflicts of interest, in order to improperly gain an advantage of the arbitration, and in any event in a manner that created an inequality of the parties warranting annulment of the entire award: see eg <b>Applicants' Memorial on Annulment</b>, paras. 176, 228.</p>	<p><i>Secondly</i>, and echoing its response to Request No 2, this document is irrelevant and immaterial. The Applicants' case is that Norway intentionally hired KPMG knowing the conflict of interest. See the Applicants' Annulment Memorial at ¶210: <i>"It appears likely that the Ministry of Foreign Affairs may have decided to retain KPMG to try to get close to Mr Levanidov"</i>. However, as set out expressly in Norway's Annulment Counter-Memorial, Norway hired KPMG AS in order to perform <i>"an initial mapping of the finances and relations between central actors of the case <b>based on open sources</b>"</i>. Norway has already disclosed its communications with KPMG pursuant to PO-3 and those have demonstrated that Norway did not intentionally hire KPMG in order to get</p>	

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			close to Seagourmet or the Applicants.	
<b>7. <u>WIKBORG REIN MONEY FLOWS REPORT</u></b>				
11.	All drafts and final versions of “Money flows” or “cash flows” memo prepared by Wikborg Rein referred to as one of the work flows (section 1 of email of 11 May 2021, 13:41, of Geir Sviggum, discussing “Analysis of flow of funds”: <b>A-0160</b> , a document produced by Norway on 18 March 2025) and referred to in the June to September 2021 time sheets ( <b>A-0030</b> ; <b>A-0031</b> ), including but not limited to those of Aadne Haga (8 June 2021; 5 July 2021; 7 July 2021; 7 September 2021) and Geir Henning Sviggum (2 June 2021; 7 September 2021), Hanne Gundersrud (15 July 2021; 2 July 2021, 4 July 2021, 31 July 2021; 1, 3, 6, 7, 8, 27, 28, 29, 30 September 2021), and Ulrikke Størseth (8 June	<p>Applicant’s position is that Norway hired professional services firms with conflicts of interest, in order to improperly gain an advantage of the arbitration, and in any event in a manner that created an inequality of the parties warranting annulment of the entire award: see eg <b>Applicants’ Memorial on Annulment</b>, paras. 176, 228.</p> <p>Moreover, the financial analysis conducted by KPMG was conducted in a manner manifestly contrary to conflicts of interest rules.</p> <p>The money flows memo prepared by Wikborg Rein and referenced in multiple time entries, notably between July 2021 and September 2021, appears</p>	<p>Norway objects to this Request.</p> <p>Norway relies on its response to Request No 2 and its Response to the Applicants’ Request No 18 in the First Application, as well as the following further points.</p> <p><i>First</i>, this Request has already been determined against the Applicants. See the Applicants’ first Application, Request No. 18 and the <i>ad hoc</i> Committee’s Response thereto.</p> <p><i>Secondly</i>, the <u>actual</u> allegations concerning Wikborg Rein relate to (a) the so-called ‘damages report’ (which</p>	Denied. Applicants have not made a sufficient showing of exceptional circumstances to justify granting this request, which in any event the Committee considers to be exceptionally broad.

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	2021; 20 August 2021; 17 September 2021)	<p>to concern the same issue as the KPMG research, based on the email of Geir Sviggum of 11 May 2021, 13:41, outlining the scope of work (A-0160), and in particular a prior email of 6 May 2021 from Olav Myklebust of the Ministry of Foreign Affairs to Mr. Sviggum (A-0161: being a document produced by Norway on 18 March 2025). In the email of 6 May 2021, Mr. Myklebust specifically refers to the KPMG memo (to which no privilege can attach and was obtained in manifest breach of rules prohibiting conflicts of interest) as explained in request 10, immediately above. The 6 May email (A-0161) states:</p> <p><i>Refers to a conversation earlier today and asks for a proposal for a plan for the work. Attached is the opposing party's Memorial with attachments. <b><u>Material prepared by KPMG about the companies involved will be included in a separate email.</u></b></i></p> <p>[Emphasis added]</p>	<p>Norway has <u>voluntarily disclosed</u> and which, as set out in Norway's Annulment Counter-Memorial, was not in fact an expert report on quantum; and (b) Wikborg Rein's alleged conflict of interest in relation to Arctic Fishing. As to that, Norway has already voluntarily disclosed its pre-instruction communications with Wikborg Rein. This additional request is thus irrelevant and immaterial. It is, in reality, an attempt to vex Norway with yet further document production requests that bear little or no relation to the actual issues in dispute in these annulment proceedings.</p> <p><i>Thirdly</i>, and in any event, there is in any event no ground for requesting "all drafts" of the document. Indeed, that request suggests that the Applicants' real intention is to go on a fishing expedition for</p>	

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		<p>As such, the Wikborg Rein “money flows” memo, and all drafts, must be produced for the same reasons as the KPMG AS memo. That is because it is as tainted by being created on the basis of information obtained in manifest breach of conflict of interest rules. As such, the Wikborg Rein “money flows” or “cash flows” memo(s) cannot be protected by privilege, while also being materially relevant.</p>	<p>irrelevant, but privileged, information.</p>	
12.	<p>All documents, including all emails between Wikborg Rein and Norway’s In-House Counsel Team and/or External Counsel Team, as well as outside service providers such as Kroll, related to all versions of the “Money flows” or “cash flows” memo prepared by Wikborg Rein referred to as one of the work flows (section 1 of email of 11 May 2021, 13:41, of Geir Sviggum, discussing “Analysis of flow of funds”: <b>A-0160</b>, a document produced by Norway on 18 March 2025) and referred to in the June to</p>	<p>Applicants’ position is that Norway hired professional services firms with conflicts of interest, in order to improperly gain an advantage in the arbitration, and in any event in a manner that created an inequality of the parties warranting annulment of the entire award.</p> <p>Moreover, the financial analysis conducted by KPMG was conducted in a manner manifestly contrary to conflicts of interest rules.</p>	<p>Norway’s response to Request 11 is repeated.</p>	<p>Denied, for the same reasons as expressed regarding request no. 11.</p>

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	<p>September 2021 time sheets (<b>A-0030</b>; <b>A-0031</b>), including but not limited time sheets of Aadne Haga (8 June 2021; 5 July 2021; 7 July 2021; 7 September 2021) and Geir Henning Sviggum (2 June 2021; 4, 7, 15 July 2021; 7 September 2021), Hanne Gundersrud (15 July 2021; 2 July 2021, 4 July 2021, 31 July 2021; 1, 3, 6, 7, 8, 27, 28, 29, 30 September 2021), and Ulrikke Størseth (8 June 2021; 20 August 2021; 17 September 2021)</p>	<p>The money flows memo prepared by Wikborg Rein and referenced in multiple time entries, notably between July 2021 and September 2021, appears to concern the same issue as the KPMG research, based on the email of Geir Sviggum of 11 May 2021, 13:41, outlining the scope of work (<b>A-0160</b>), and in particular a prior email of 6 May 2021 from Olav Myklebust of the Ministry of Foreign Affairs to Mr. Sviggum (<b>A-0161</b>: being a document produced by Norway on 18 March 2025). In the email of 6 May 2021, Mr. Myklebust specifically refers to the KPMG memo (to which no privilege can attach and was obtained in manifest breach of rules prohibiting conflicts of interest) as explained in request 10, immediately above. The 6 May email (<b>A-0161</b>) states:</p> <p><i>Refers to a conversation earlier today and asks for a proposal for a plan for the work. Attached is the opposing party's Memorial with attachments. <b>Material</b></i></p>		



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		<p><u><i>prepared by KPMG about the companies involved will be included in a separate email.</i></u></p> <p>[Emphasis added]</p> <p>In addition to the “money flows” or “cash flows” memos, Applicants also seek production, in the present request, of:</p> <p><i>All documents, including all emails between Wikborg Rein and Norway’s In-House Counsel Team and/or External Counsel Team, as well as outside service providers such as Kroll, related to all versions of the “Money flows” or “cash flows” memo prepared by Wikborg Rein referred to as one of the work flows (section 1 of email of 11 May 2021, 13:41, of Geir Sviggum, discussing “Analysis of flow of funds”: A-0160</i></p>		

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		<p>That is because several time entries of Wikborg Rein lawyers are clear that the information obtained in breach of KPMG's conflict of interest was disseminated beyond KPMG and Wikborg, to other service providers (which may include Kroll). This information was clearly considered sensitive as it was no less than Wikborg Rein's managing partner, Geir Sviggum, who handled the matter. His entries for 4, 7 and 15 July 2021 provide (A-0030):</p> <p><i>7/4/21 Further work and correspondence in relation to procuring expert assessment on cash flow.</i></p> <p><i>7/7/21 Correspondence over several days with external services providers (experts) for cash flow issue, work on sending across our memo on cash flow to MFA. ...</i></p> <p><i>7/15/21 Green light from the MFA to proceed with Kroll work</i></p>		

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		<p><i>on the cash flow issue, further correspondence with Kroll.</i></p> <p>As such, the documents requested in the present request must be produced for the same or similar reasons as the KPMG AS memo and the Wikborg Rein “money flows” or “cash flows” memo(s). For the same reasons the documents requested in the present request cannot be protected by privilege, while also being materially relevant.</p>		
<p><b>8. <u>KROLL REPORT OF SEPTEMBER 2021</u></b></p>				
13.	All versions (final and drafts) of the Kroll report of September 2021	The Kroll report of September 2021 is referred to by Norway at para. 106 of its <b>Counter-Memorial on Annulment</b> and in various time entries, between July and September 2021, of Wikborg Rein lawyers, including of Geir Sviggum and Hanne Gundersrud ( <b>A-0030</b> ).	<p>Norway objects to this Request.</p> <p><i>First</i>, this is manifestly irrelevant and immaterial. The Kroll report is <u>not mentioned</u> in the Applicants' Memorial on Annulment. No allegation of conflict of interest is</p>	<p>Denied. Applicants have not made a sufficient showing of exceptional circumstances to justify granting this request.</p>

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		<p>There exists a clear link between the KPMG memo (which was solicited despite two manifest conflicts of interest, including one in relation to Seagourmet, which was actually the subject of the KPMG memo), and the Kroll memo.</p> <p>The Ministry of Foreign Affairs informed Mr. Sviggum on 6 May 2021 that Wikborg Rein would be provided the KPMG memo (A-0161) regarding the money flows work which was outlined in an 11 May 2021 email (A-0160). Then, in July 2021, Mr. Sviggum contacted directly Kroll to discuss the “cash flow” issue as per Mr. Sviggum’s time entry of 15 July 2021 (A-0030):</p> <p><i>7/15/21 Green light from the MFA to proceed with Kroll work on the cash flow issue, further correspondence with Kroll.</i></p> <p>Then, in September 2021, various Wikborg Rein lawyers (Aadne Haga,</p>	<p>mentioned in relation to Kroll. The Applicants only state (Annulment Memorial, ¶227) that they are “extremely concerned” that an investigation may have been commenced against them, but they provide no information or argument that suggests that such an investigation would have been improper and the <i>ad hoc</i> Committee has found precisely the opposite: PO-3 ¶77. Nothing has changed in this Request. The references to Norway’s recent disclosure do not establish the relevance or materiality of these Documents.</p> <p><u>Secondly</u>, this Request has already been made and rejected. The Applicants First Request Nos. 21-25 requested drafts of the Kroll Report and communications relating to them, which requests were denied by the <i>ad hoc</i> Committee. It is therefore</p>	

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		<p>Hanne Gundersrud, Geir Sviggum, Ulrikke Størseth), spent time reviewing the Kroll report and inputting its findings in the “money flows” or “cash flows” report (A-0030).</p> <p>For the same reasons as the KPMG AS report and the Wikborg “money flows” memo, all final versions and drafts of the Kroll report of September 2021 must be produced. For the same reasons, no confidentiality or privilege attaches to the Kroll report.</p>	<p>abusive and ought to be rejected on that ground.</p> <p><i>Thirdly</i>, the documents are protected by privilege and production should be refused for that reason.</p>	
<p><b>9. <u>EXCHANGES WITH DAMAGES EXPERTS</u></b></p>				
14.	Exchanges between Carlos Lapuerta or The Brattle Group, on the one hand, and, on the other hand, Wikborg Rein and/or Norway's In-House Counsel Team and/or Norway's External Counsel Team on quantum issues related to ICSID Case ARB/20/11 and any	Applicants maintain that Norway was in a position to argue damages in the Counter-Memorial on the merits, despite its following statement to the contrary ( <b>Respondent Counter-Memorial in the arbitration</b> , para. 874; <b>Applicants' Memorial on annulment</b> , paras. 233-241):	<p>Norway objects to this request.</p> <p><i>First</i>, and fundamentally, this is irrelevant and immaterial. The Applicants' case is that Norway <u>lied</u> to the Tribunal. Norway has shown that allegation to be false in its Counter-Memorial. Norway</p>	On the basis of Norway's representation that it has no documents between Norway's In-House Counsel Team and/or Norway's External Counsel

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	documents attached to any such communications	<p><i>Even if all of the conduct by Norway of which the Claimants complain were assumed to violate the BIT, the Claimants have not presented a case on which it is practicable to determine what losses, if any, they have sustained as a result.</i></p> <p>This statement is manifestly incorrect and constitutes a ground for annulment: <b>Applicants' Memorial on Annulment</b>, paras. 233-241.</p> <p>Wikborg Rein's memo on damages, dated 16 July 2021, submitted with Norway's Counter-Memorial on Annulment, not only shows that Norway had multiple arguments on damages: <b>R-0466</b>. The memo actually recommends hiring an expert to submit a report with the Counter-Memorial (section 6.2.1):</p> <p><i>In light of the potentially crucial impact of the choice between an</i></p>	<p>did not hire a damages expert and did not prepare a damages report.</p> <p>The Applicants appear simply to misread the 6 May 2021 email on which they rely (and which they refer to as <b>A-0161</b>):</p> <p><i>"If the Tribunal agrees to separate the issue of damages for separate consideration <u>and concludes that jurisdiction and liability exist</u>, we will have to prepare a report on the calculation to damages based on this."</i></p> <p>But, obviously, the Tribunal accepted Norway's bifurcation argument and did not <i>"conclude[] that jurisdiction and liability exist"</i>: it concluded the opposite, and so there was no need to <i>"prepare a report"</i>. The proposal was clearly <i>"for clarification later if relevant"</i>. It never became relevant.</p>	<p>on the one hand and Carlos Lapuerta or The Brattle Group, on the other hand, the Committee denies this request, except that the Committee does not consider it appropriate for Respondent to use the Committee's order regarding the non-involvement of Wikborg Rein as a shield against disclosure.</p> <p>Wikborg Rein was the Respondent's agent during the relevant period and the Committee therefore orders that if there are documents in the possession of Wikborg Rein which are responsive to this</p>

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		<p><i>ex-ante and an ex-post valuation methodology, and as discussed with the MFA and the London Team in the 17 June 2021 meeting, <b><u>we recommend to appoint a valuation expert</u></b> with experience from investment arbitration <b><u>to assist in developing an argument for the Counter-Memorial, and perhaps also submit an expert report</u></b>, supporting the ex-ante methodology.</i></p> <p>If a reputed firm like Wikborg Rein, which has a Framework Agreement with the Norwegian Ministry of Foreign Affairs, recommends hiring a valuation expert, including to submit a report, for the Counter-Memorial due 29 October 2021, which was three and a half months after the memo was submitted, then the statement by Norway that “<i>the Claimants have not presented a case on which it is practicable to determine what losses, if any, they have sustained</i>”, must be considered as manifestly false and misleading.</p>	<p><i>Secondly</i>, and in any event, any such exchanges would be confidential and arguably privileged, even though Norway at no stage instructed any expert.</p> <p>However, to bring this matter to a close and without any further waiver of privilege, Norway confirms that it has no documents between Norway's In-House Counsel Team and/or Norway's External Counsel on the one hand and Carlos Lapuerta or The Brattle Group, on the other hand. Norway has agreed that Wikborg Rein will not be involved in these proceedings in any capacity, and therefore will not request possible documents in their possession, custody or control.</p>	<p>request, they should be produced, subject to privilege considerations which should be duly identified in a privilege log.</p>

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		<p>Further, the email from Mr. Myklebust of 6 May 2021 to Geir Sviggum of Wikborg Rein (A-0161) further shows that Norway's position that it was not practicable to address damages on 29 October 2021 is false. Indeed, two months before the 16 July 2021 Wikborg Rein memo, Norway is considering submitting a report. But then, despite Wikborg Rein's suggestion to do so on 16 July 2021, on 29 October 2021 states (falsely) that it was not practicable to do so.</p> <p>The 6 May 2021 email of Mr. Myklebust states as follows (A-0161):</p> <p><i>Finally, <b><u>it may be appropriate to prepare a separate report on the calculation of the compensation claim.</u></b> We have asked the tribunal to separate a possible compensation calculation into a separate phase and are waiting for a clarification of this, but for the time being we must adhere to</i></p>		



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		<p><i>the original schedule, which means we may have to submit our full response with compensation calculation by 8 August this year, although the Tribunal will probably postpone this deadline somewhat. If the Tribunal agrees to separate the issue of damages for separate consideration and concludes that jurisdiction and liability exist, we will have to prepare a report on the calculation to damages based on this. <u>We therefore ask that the preparation of a report on compensation calculation be included as a separate item in the proposal for assignment</u>, for clarification later if relevant.</i></p> <p>[Emphasis added]</p> <p>Moreover, the 16 July 2021 memo includes suggestions to contact the Brattle Group and/or Alvarez and Marsal for a quantum report (R-0466, sections 6.2.2 and 6.2.3).</p>		

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		<p>As such, communications between Wikborg Rein and/or Norway on the one hand, and Carlos Lapuerta and/or The Brattle Group, on the other, are clearly relevant and material to show that Norway was indeed ready to present its position on damages on 29 October 2021.</p>		
15.	<p>Exchanges between Andrew Flower and Alvarez and Marsal, on the one hand, and, on the other hand, Wikborg Rein and/or Norway's In-House Counsel Team and/or Norway's External Counsel Team on quantum issues related to ICSID Case ARB/20/11 and any documents attached to any such communications</p>	<p>Same as 14. As such, communications between Norway and its counsel on the one hand, and Andrew Flower or Alvarez and Marsal, on the other, are clearly relevant to show that Norway was indeed ready to present its position on damages on 29 October 2021.</p>	<p>Norway repeats its Response to Request 14. To bring this matter to a close, Norway agrees to disclose the documents requested despite its objections.</p>	<p>In light of Norway's acceptance of disclosure, no decision from the Committee is needed at this time.</p>

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<b>10. <u>NORWAY'S RESPONSE TO TRIGGER LETTER OF GLIMSTEDT OF FEBRUARY 2017</u></b>				
16.	Response of Norway to Glimstedt, Bernotas & Partners Lithuania of 21 April 2017	<p>Norway refers to its response to Glimstedt, in respect of the February 2017 trigger letter: <b>Counter-Memorial on Annulment</b>, para. 83.</p> <p>Norway alleges that in its response of 21 April 2017 it considered there was no dispute on the relevant investment treaties (Latvia-Norway BIT and Lithuania-Norway BIT) because it could not establish an investment in Norway. As such, the fact that Glimstedt law firm sent the February 2017 trigger letter on behalf of SIA North Star and UAB Arctic Fishing, in essence, would not qualify Glimstedt as a firm that had ever been adverse to Norway, because Norway was of the view there was no valid claim (or no dispute).</p>	<p>Norway objects to this Request.</p> <p><i>First</i>, the question is whether Norway hired Glimstedt ZAB SIA intentionally. Norway's response letter to Glimstedt, Bernotas and Partners, has absolutely no bearing on this issue.</p> <p>In that regard, the Applicants either misunderstand or misrepresent ¶83 of Norway's Annulment Counter-Memorial. Norway does not allege that Glimstedt were not an adverse firm. That paragraph merely makes the obvious point that the 2017 case did not proceed beyond the initial notice. There is no dispute that Glimstedt, Bernotas and Partners represented North Star and</p>	Granted. The requested document is not privileged and Norway's submissions regarding this document in its Counter-Memorial as cited by the Applicants demonstrate its prima facie relevance and materiality. It is not an answer that the Applicants can request from Glimstedt.

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		<p>This argument is of course absurd, and there was clearly a dispute in the sense of a divergence of legal or factual views, whether or not an ICSID tribunal would have jurisdiction (which in any event it did). In such circumstances, Glimstedt was clearly acting as counsel adverse to Norway.</p> <p>To the best of their knowledge, Applicants never received a copy of Norway's response of 21 April 2017 to Glimstedt, Bernotas &amp; Partners Lithuania. This response is material and relevant to Norway's knowledge that Glimstedt acted on behalf of both SIA North Star and UAB Arctic Fishing in two related cases adverse to Norway, and would likely possess confidential information on both companies and related persons.</p> <p>This response is material and relevant to Applicants' position that Norway hired Glimstedt, a firm with a conflict of interest, to assist in ICSID Case ARB/20/11, which created a</p>	<p>nothing in Norway's Counter-Memorial suggests otherwise. As such, this document is neither material nor relevant.</p> <p><i>Secondly</i>, a logical and necessary consequence of that fact is that North Star and/or North Star's then-counsel already have Norway's response in their possession, custody or control and can request the same from Glimstedt, Bernotas and Partners, its lawyers or former lawyers. See the IBA Rules on the Taking of Evidence at Articles 3(3)(c)(i);</p>	

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		<p>fundamental inequality of parties, on its own and because of other conflicts of interest, and which must lead to the annulment of the full award.</p> <p>This response is also material to the fact that Norway has known, or should have known since at least April 2017, that it could not hire Glimstedt in ICSID Case ARB/20/11.</p>		