

IN THE NUNAVUT COURT OF JUSTICE

BETWEEN

BAFFINLAND IRON MINES CORPORATION
in its capacity as General Partner of Baffinland Iron Mines LP

Plaintiff

-and-

Namen Inuavak, Tom Naqitarvik, Jonathan Pitula, Christopher Akeagok, Andy Kalluk, John
Doe and Jane Doe, and for all other persons unknown to the Plaintiff
At a blockade at or near Mary River, NU

Defendants

AFFIDAVIT

I, Bruce Uviluq, Student-at-Law of the City of Iqaluit in the Territory of Nunavut MAKE OATH
and SAY:

1. I have knowledge of the matters contained in my Affidavit except where such knowledge is stated to be on the basis of information and belief.
2. The Defendants are Inuit enrolled under the Nunavut Land Claims agreement, from the North Baffin / Qikiqtaaluk region. They have individual and collective rights to land use under the Nunavut Agreement, as well as indigenous and customary rights.

PROCESS ISSUES

3. On February 9, 2021, the plaintiff submitted an *ex parte* motion in the Nunavut Court of Justice and arguments were heard without service on or the presence of the Defendants.
4. I believe that there has been every opportunity to provide Originating documentation and Notice of any hearing to the Defendants in a timely manner as the Defendants report regular meetings and communications with the Plaintiffs meet at the site. This was not done.
5. In the early afternoon of February 9, 2021 I am advised that Lori Idlout was contacted through an intermediary to act for the Defendants. As of 2:30 pm on February 9, 2021 the Clerk of the Nunavut Court of Justice was advised that Qusagaq Law Office acted for some of Defendants. A verbal and written request were made to obtain the documents. Filed in the within action. An agent attended in person at the Courthouse and requested the documents. The Clerk's office never advised Counsel of the 9:30 hearing date the next morning.
6. No documents were received from the Clerk's office in paper or electronically, although the Court file number and style of cause were provided and the name of counsel for the Plaintiffs was obtained from an electronic docket.
7. By 4:00 pm on February 9, 2021 an Appearance Notice was filed with the Courts and served on the Plaintiffs shortly thereafter.
8. At 6:30 pm on February 9, 2021 an initial set of documents were received electronically from the Plaintiff's counsel and communications were established. They continued to arrive until at least 10:00pm.
9. It was only at that time that Counsel for the Defendants was advised by the Plaintiff's Counsel that there was a hearing scheduled for 9:30 am on the morning of February 10, 2021. This has resulted in less than 16 hours to read, absorb and digest materials for the hearing.
10. The Defendants seek a short but reasonable delay to assess and respond to the factual and legal issues and to obtain clear instructions from clients who are very remote and

accessible only by satellite phone. They are and have been prepared to make accommodations in the interim to mitigate concerns raised by the Plaintiffs.

ACCOMMODATIONS ALREADY OFFERED

11. I am advised and verily believe that Namen Inuaraq a key member of the party at Nuluujaat, spoke by telephone on February 5, 6, 7 and 9, 2021 to Brian Penney, President and CEO of Baffinland Iron Mines.
12. The Defendants advised that they were entirely willing to make arrangements to allow Baffinland employees who did not desire to remain on the site, to depart safely and said so to Brian Penney.
13. I am advised and verily believe that on those days Namen Inuaraq agreed with and confirmed for Brian Penney that medevac flights would be promptly accommodated.
14. I am advised and verily believe that Brian Penney refused these accommodations and stated that he was seeking a full and final solution and not any sort of interim resolution or accommodation.
15. In the past week I am advised that the Defendants facilitated a bus to pass from Milne Inlet to the mine site on the basis that it contained medical supplies needed at the Mine Site.
16. All reasonable or essential requests have been responded to promptly and with reason, and the Defendants commit to continuing in this manner.
17. I confirm that conversations reported here took place in English and were reported in Inuktitut. Imperfect translations are possible.

CONDITIONS ON THE RUNWAY

18. I have viewed video footage sent by the Defendants of the runway and it does not show barriers, destructive activities or fires, and the Defendants assert that there is no damage to the runway.
19. If for any reason there is work required to the airstrip the Defendants will cooperate in facilitating reasonable repairs and maintenance through their lawyer, to a standard provided by a regulatory authority for aerodromes.
20. In addition to allowing departure by employees who wish to leave, the Defendants agree to allow one day per week for maintenance to be performed on the airstrip, and flights to land and take off without impediment.

HARASSMENT ON SITE

21. The Defendants report that the Plaintiffs interrupt their sleep and cause them to be sleep-deprived by revving the engines, honking horns and generally operating heavy mining equipment creating a perception of threat during the night.
22. The Defendants are concerned that personnel at the site are outside of the Nunavut COVID-19 quarantine procedures and may carry exposure to COVID-19. The Defendants are extremely wary when approached. Site personnel have been consistently bothering the Defendants by approaching and questioning them and marking off check lists. The Defendants have responded politely but feel at risk and would prefer that public health and safety be a higher consideration.

LACK OF IRREPARABLE HARM

23. The Defendants do not believe that irreparable harm can arise from iron ore not being transported along the Tote Road. The Ore is stable and will not spoil. It can be shifted at any time, regardless of season. Breaks in shipping are common for weather, community events like dog team races, animal migrations and many more reasons.

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AFFIDAVIT

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