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Foreign Affairs and
International Trade Canada

Department of Justice



Affaires étrangères et
Commerce international Canada

Ministère de la Justice

125 Sussex Drive
Ottawa, Ontario
K1A 0G2

April 29, 2008

By Fax and Email

Mr. Michael Woods
Heenan Blaikie LLP
55 Metcalfe Street
Ottawa, Ontario
K1P 6L5

Re: *Gottlieb et al v. Government of Canada*

Dear Mr. Woods,

This is to inform you that in accordance with Article 2103(6) of the *North American Free Trade Agreement*, a determination has been made by the appropriate competent authorities that the measures at issue in the Notice of Intent to Submit a Claim to Arbitration ("Notice of Intent"), which you filed on October 30, 2007, are not expropriations. An exchange of letters to this effect between the appropriate competent authorities is attached. As a result, the measures at issue in the Notice of Intent cannot be the object of any claim under Article 1110.

Sincerely yours,

A handwritten signature in black ink that reads "M. Kinnear".

Meg Kinnear
Director General/Senior General Counsel
Trade Law Bureau

cc: Paul Robertson, Director General, North America Trade Policy Bureau
Bob Hamilton, Senior Assistant Deputy Minister, Finance Canada
Eric Solomon, Assistant Secretary, Office of Tax Policy, U.S. Dept. of the Treasury