

**UNDER THE ARBITRATION RULES OF THE
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (1976)**

-between-

**THEODORE DAVID EINARSSON, HAROLD PAUL EINARSSON, RUSSELL JOHN
EINARSSON, and GEOPHYSICAL SERVICE INCORPORATED**

-and-

**GOVERNMENT OF CANADA
(ICSID CASE NO. UNCT/20/6)**

WITNESS STATEMENT OF RUSSELL JOHN EINARSSON

CWS-05

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Matti Lemmens
*Counsel for Theodore David Einarsson,
Harold Paul Einarsson, Russell John
Einarsson and Geophysical Service
Incorporated*

I. Personal Background

1. I am a former employee of Ocean Geophysical Service Incorporated, a United States company affiliated with Geophysical Service Incorporated (“GSI”) in this matter, and as such have personal knowledge of the matters hereinafter deposed to, except where based upon information and belief, and where so based, I verily believe the same to be true, to the best of my recollection.

2. Ocean Geophysical Service Incorporated was controlled by my brother, Paul, my father, Davey and me; it supported GSI’s seismic data ships and owned seismic source equipment and recording systems. Ocean Geophysical Service Incorporated was paid a management fee by GSI, which was used to pay my father, Davey Einarsson, and me. Ocean Geophysical Service Incorporated was shut down in approximately 2013 as GSI was no longer able to support its business and did not own seismic data ships that required any support after 2009.

II. American Citizenship

3. I was born in Libya in 1965. Libya confers citizenship based on the principle of *jus soli* resulting in my acquisition of Libyan citizenship upon birth.

4. My mother, Giorgina di Pietro, was Egyptian. My father, Davey Einarsson, was working in Libya for Geophysical Service Inc. (Delaware) (“GSI Delaware”) at that time, and then for Chappaqua Oil Company in Libya after 1969. My father then returned to work at GSI Delaware in late 1970, relocating to Canada around that time and moving to Calgary, Canada in 1971. We subsequently moved as a family to Houston, Texas, United States in 1975. I have resided in Texas since that time, growing up as an American.

5. I applied for American citizenship in 2005 instead of claiming it through my father as I am very much an American, having lived in Texas since I was 10 years old. I have never had any assets in Canada other than an interest in our family homestead in Manitoba (which homestead was sold in 2014) and my loan to GSI. My former wife and children were all born in the United States. To the best of my knowledge, my children have never claimed their Canadian citizenship.

III. Vice President of GSI

6. From 1992 to 2013, I worked indirectly for GSI as the Vice President of GSI's affiliate, Ocean Geophysical Service Incorporated, based in Houston, Texas. I was stationed in Houston, Texas for the duration of that employment, traveling frequently to market the marine seismic business of GSI in the United States. [REDACTED]

7. GSI was unable to continue to finance my remuneration through Ocean Geophysical Service Incorporated after 2013. I was forced to look for other work. Since that time, I have had difficulty finding alternate employment and have been self-employed or had much less lucrative employment outside of the oil and gas industry. I am unable to find employment in the oil and gas industry, let alone the seismic industry, due to the fact that GSI's reputation was damaged and my last name – Einarsson – was so deeply associated with GSI's business, as was my father's and brother's, I was unable to find work in the seismic industry.

IV. Investment in GSI

8. GSI borrowed funds from me, personally, in the amount of CAD\$900,000 on June 15, 2001, with a market rate of interest that GSI was unable to pay many years (the "Loan"). The balance of the Loan principal that remains outstanding and owed to me by GSI is \$1,381,705, as at November 30, 2017. A true copy of the Loan is **Exhibit C-056**.

V. Conclusion

9. I have reviewed the witness statements of Davey Einarsson and Paul Einarsson and agree with their contents to the extent that they apply to the GSI business. I am less familiar with GSI's domestic litigation and Canadian policies about disclosure of seismic data.

10. I make this witness statement in support of the Claimants' claim in this proceeding and for no other purposes.

This witness statement was originally prepared in the English language and I anticipate giving testimony at the hearing of this Arbitration in the English language.

Signed at [REDACTED] on AUGUST, 4, 2022

RUSSELL JOHN EINARSSON

Address: [REDACTED]