

IN THE NUNAVUT COURT OF JUSTICE

B E T W E E N:

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

Plaintiff

- and -

**NAMEN INUAVAK, TOM NAQITARVIK, JONATHAN PITULA,
CHRISTOPHER AKEEAGOK, 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

Transcript of the **Cross-Examination on Affidavit of BRIAN
PENNEY** (held by video conference) on February 19th, 2021

APPEARANCES:

Mr. B. Armstrong: Counsel for the Plaintiff

Ms. L. Idlout: Counsel for the Defendants
Ms. A. Crawford:

1 A -- at Milne.

2 Q I see that there was considerable work done between
3 2017 and --

4 A -- and it was all done with sign-offs and
5 authorization in place. And, of course, with a lot
6 of risk on behalf of Baffinland should Phase 2 not be
7 approved.

8 Q I can see the financial risk of going up there.

9 A But there is certain things to note. For instance,
10 these crushing and screening [room noise
11 interference], they can be used under the current --
12 we can't use them under our current operations right
13 now because we are in the middle of a Phase 2 permit.

14 Q That's correct.

15 A But should Phase 2 not go ahead, we have choices with
16 them. For instance, we can use them at our existing
17 operations to decrease unit cost and significantly
18 impact dust.

19 Q So what you are suggesting is that although they were
20 purchased with the primary purpose of freeing -- of
21 facilitating --

22 A Phase 2.

23 Q -- Phase 2, that are other potential uses for them?

24 A Including moving them, just as we did and place at
25 Steensby, which is the exact same design for which we
26 already have a permit.

27 Q So potentially those could go to Steensby?