

<p style="text-align: center;"><b>NOTICE OF INTENT TO SUBMIT A CLAIM TO ARBITRATION UNDER NAFTA CHAPTER 11</b></p>
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**I. TYPE OF CLAIM**

The claim is intended to be submitted by:

- An investor of a Party its own behalf. (SEE NAFTA ARTICLE 1116)  
 An investor of a Party on behalf of an enterprise that is a juridical person that the investor owns or control directly or indirectly. (SEE NAFTA ARTICLE 1117)

**II. DISPUTING INVESTOR**

a) Full name of the disputing investor: **PETER NIKOLA PESIC  
438 Richmond Street West, Unit 312  
Toronto, ON M5V 3S6, Canada**

(SEE NAFTA ARTICLE 1119)

If the disputing investor claims to be a national of a Party, please type the family name in all capital letters.

b) Indicate whether the disputing investor is:

- A Party  
 A state enterprise of a Party  
 A national of a Party  
 An enterprise of a Party

(SEE NAFTA ARTICLES 201 AND 1139)

c) For purposes of subparagraph (b), please identify the nationality of the disputing investor:

- Mexico  
 Canada  
 United States

(SEE NAFTA ARTICLE 1139)

*If the disputing investor claims to be a national of a Party, please provide a copy of a passport or other evidence of nationality or citizenship.*

*If the disputing investor claims to be an enterprise of a Party, please provide a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party identified above.*

**d) Address of the disputing investor:**

Address 1: **438 Richmond Street West, Unit 312**

Address 2:

City: **Toronto**

State or Province: **Ontario**

Country: **Canada**

Postal Code: **M5V 3S6**

Phone: **(416) 306-1842**

Fax: **(877) 249-5980**

Email: **PeterNPesic@aol.com**

**III. CLAIM BY AN INVESTOR OF A PARTY ON BEHALF OF AN ENTERPRISE (SEE NAFTA ARTICLES 1117 AND 1119)**

**a) Name of the EZ CUSTOM SOFTWARE SOLUTIONS, L.L.P. enterprise:**

**b) Address of the enterprise:**

Address 1: **438 Richmond Street West, #312**

Address 2:

City: **Toronto**

State or Province: **Ontario**

Country: **Canada**

Postal Code: **M5V 3S6**

Phone: **(877) 249-5980**

Fax: **(877) 249-5980**

Email **PPesic@ezCustomSoftware.com**

*If the claim is submitted by an investor of a Party on behalf of an enterprise, please provide:*

- i) a copy of a deed of incorporation or other evidence of constitution or organization under the laws of the Party against which the claim is asserted; and*
- ii) evidence of direct or indirect ownership or control of the enterprise by the disputing investor. This provision does not require the disclosure of confidential business information.*

**IV. INVESTMENT (SEE NAFTA ARTICLE 1139)**

Indicate the type(s) of investment(s) involved:

- (a) an enterprise
- (b) an equity security of an enterprise
- (c) a debt security of an enterprise

- (i) where the enterprise is an affiliate of the investor, or security is at least three years, not including a debt security, regardless of
- (ii) where the original maturity of the debt

- original maturity, of a state enterprise;
- (d) a loan an enterprise where the enterprise is an affiliate of the investor, or
- (ii) where the original maturity of the loan is at least three years, not including a loan, regardless of original maturity, to a state enterprise;
- (e) an interest in an enterprise that entitles the owner to share in income or profits of the enterprise;
- (f) an interest in an enterprise that the owner to share in the assets of that enterprise on dissolution, other than a debt security or a loan excluded from subparagraph ( c ) or (d);
- (g) real state or other property, tangible or intangible, acquired in the expectation or used for the purpose of economic benefit or other business purposes, and;
- (h) interests arising from the commitment of capital or other resources in the territory of a Party to economic activity in such territory, such as under
  - (i) contracts involving the presence of an investor's property in the territory of the Party, including turnkey or construction contracts, or concessions, or
  - (ii) contracts where remuneration depends substantially on the production, revenues or profits of an enterprise.

*Please provide evidence of direct or indirect ownership or control by the disputing investor, such as a copy of a title to property, a deed of incorporation of the enterprise, share certificates, a joint venture agreement, etc. To the extent that the disputing investor has provided any relevant evidence under Section III, is not necessary to duplicate it under this Section. This provision does not require disclosure of confidential business information.*

SEE ATACHED PROFESSIONAL REPORT.

**V. LEGAL REPRESENTATIVE AND SERVICE OF DOCUMENTS**

**a) Name**

Address 1

Address 2

City

State or Province

Country

Postal Code

Phone

Fax

Email

*Please provide a copy of a power of attorney or similar document that demonstrates that the legal representative is duly empowered to act on behalf of the investor.*

c) Indicate the name and address of the person to whom correspondence should be directed.

Name: PETER NIKOLA PESIC  
Address 1 438 Richmond Street West, Unit 312  
Address 2  
City Toronto State or Province ON  
Country Canada Postal Code M5V 3S6  
Phone (416) 306-1842 Fax (877) 249-5980  
Email PeterNPesic@aol.com

**VI. PROVISIONS ALLEGED TO HAVE BEEN BREACHED AND OTHER APPLICABLE PROVISIONS (SEE NAFTA ARTICLE 1119)**

Indicate the provisions of NAFTA Chapter Eleven alleged to have been breached, and any other relevant provisions.

**The Investor alleges that the Government of Canada has breached its NAFTA obligations under Section A of Chapter 11, Chapter 12 and Chapter 15 of**

**NAFTA including, but not limited to the following provisions:**

Articles 1102 and 1202 – National Treatment;  
Article 1105 – Minimum Standard of Treatment

The relevant portions of the NAFTA include:

**Article 1102: National Treatment**

1. Each Party shall accord to investors of another Party treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investment.
2. Each Party shall accord to investments of investor of another treatment no less favourable than that its accords, in like circumstances, to investments of its own investor with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

**Article 1105: Minimum Standard of Treatment**

1. Each Party shall accord to investments of investors of another Party treatment in accordance with international law, including fair equitable treatment and full protection and security.
2. Without prejudice to paragraph 1 and notwithstanding Article 1108(7)(b), each Party shall accord to investors of another Party, and to investments of investors of another Party, non-discriminatory treatment with respect to measures it adopts or

maintains relating to losses suffered by investments in its territory to armed conflict or civil strife.

**VII. ISSUES AND THE FACTUAL BASIS FOR THE CLAIM (SEE NAFTA ARTICLE 1119)**

Describe the issues and the factual basis for the claim.

Investor has made an investment into an enterprise in Canada and is a managing partner in an Ontario Limited Partnership consisting of two investors both citizens of the United States.

On April 20, 2004 the Investor has applied for Treaty Trade/Investor visa classification and issuance of corresponding immigration documents from Citizenship and Immigration Canada pursuant to Section S. 19 (4) (p) (i) of the Immigration and Refugee Protection Act and Regulations. This request was granted and a work permit was issued to the Investor in the duration of one year on April 23, 2004.

On March 10, 2005 the Investor has applied for the 2-year extension of the work visa in accordance to Immigration Regulation 20(5)(b)(i) which exempts "persons whose entry was granted pursuant to an international agreement between Canada and other countries" from employment validation process.

The absence of required immigration documents greatly impedes Investor's ability to travel in and out of Canada thus limiting his ability to manage the business effectively. The enterprise in Canada has 113 corporate clients in the United States and Canada which requires frequent travel to the United States from Canada.

In addition, an inability of the Citizenship and Immigration Canada to act promptly and in a reasonably timely manner in this matter has shaken investor's confidence in respect to the future investment into the enterprise in Canada.

**VIII. RELIEF AND AMOUNT OF DAMAGES (SEE NAFTA ARTICLE 1119)**

Indicate the relief sought and the approximate amount of damages claimed.

Issuance of a work permit in the Treaty Trader or Investor status and issuance of related immigration documents indicating the corresponding immigration status was maintained by Citizenship and Immigration Canada as applied for by the investor on March 10, 2005 or:

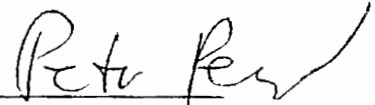
the following damages:

(i) damages in the amount of the funds invested into the enterprise in Canada by the investor and;

(ii) damages in the amount of outstanding contracts held by the enterprise in Canada apportioned to the percentage of ownership of the enterprise by the investor and;

(iii) damages equal to costs associated with these proceedings, including all professional fees and disbursements.

PETER N. PESIC  
Name and Signature



JULY 26, 2005  
Date

**Places for Delivery of Notices of Intent:**

For Canada: Office of the Deputy Attorney General Of Canada  
284 Wellington Street  
Ottawa, Ontario  
K1A 0H8  
Canada

For United Mexican States: Direccion General de Inv. Extranjera  
Secretaria de Economia  
Immigrates Sur 1940, piso 8  
Cel. Florida  
Mexico, D.F. 01030  
Mexico

For United States of America: Executive Director (L/EX)  
Office of the Legal Advisor  
U.S. Department of State  
Washington, D.C. 20520  
USA



Ontario

Ministry of Services and Consumer Affairs / Ministère des Services et des consommateurs

#3

Print clearly in CAPITAL LETTERS / Écrivez clairement en LETTRES MAJUSCULES

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Declaration Type / Type de déclaration

- A [X] New / Nouvelle, B [ ] Renewal / Renouvellement, C [ ] Change / Changement, D [ ] Dissolution / Dissolution, E [ ] Withdrawal / Retrait

Name Change, check also box A or B and enter BIN / Modification de la raison sociale, ez aussi A ou B et indiquez le NIE

Name Change / Modification de la raison sociale, Enter Business Identification Number if A or B with Name Change or B, C, D or E. / Indiquer le numéro d'identification d'entreprise si A ou B avec modification de la raison sociale ou B, C, D ou E.

BIN NIE

Firm Name / Raison sociale de la société en commandite

EZ CUSTOIM SOFTWARE SOLUTIONS

Mailing Address / Adresse postale

438 RICHMOND STREET WEST UNIT 312 TORONTO ON CANADA M5V 3S6

4. Principal Place of Business in Ontario / Établissement principal en Ontario

[X] Same as above / comme ci-dessus

438 RICHMOND STREET WEST TORONTO ONTARIO M5V 3S6

5. General Nature of Business / Nature générale de l'activité exercée

SOFTWARE PUBLISHING

6. Jurisdiction of Formation / Territoire de la création

ONTARIO, CANADA

7. Information Regarding General Partner(s) / Renseignements sur le ou les commandités

PESIC PETER N 438 RICHMOND STREET WEST TORONTO ON CANADA M5V 3S6

Additional Information / Renseignements supplémentaires

Signature X Peter Pesic, PETER PESIC

8. Information Regarding Attorney/Representative / Renseignements sur le procureur/représentant d'une société en commandite extraprovinciale

Empty form for Attorney/Representative information

Additional Information / Renseignements supplémentaires

Signature X

Corporation Name / Raison sociale de la personne morale

Ontario Corporation No. / N° de la personne morale en Ontario

MINISTRY USE ONLY - RÉSERVÉ À L'USAGE DU MINISTÈRE. BIN/EIN: 130343892, NAME/NOM: EZ CUSTOIM, REG'N/, ENREG...: 2003-03-28, EXPIRY/ EXPIR...: 2008-07-28



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Citizenship and  
Immigration CanadaCitoyenneté et  
Immigration Canada

CASE PROCESSING CENTRE  
6212 - 55th Avenue  
Vegreville, AB T9C 1W5

CLIENT 

12 May 2005

PETER NIKOLA PESIC  
438 RICHMOND STREET WEST #312  
TORONTO ONT M5V3S6

This refers to your application for a Work Permit and documents for the family.

Your application has been transferred to the Canada Immigration Centre located in Etobicoke for processing. The Canada Immigration Centre will be contacting you with further instructions in due course.

In the event that you have had a change of address, please notify your local Call Centre as soon as possible. Please do not contact the Canada Immigration Centre regarding the status of your case.

**Passports must be valid for the duration of your stay in Canada. Documents will not be issued beyond the validity of passports.**

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The client number shown in the upper right corner of this letter is your personal identification number. This number provides access to information on your file and as such for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Citizenship and Immigration Canada Call Centre, toll-free, at 1-888-242-2100 and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Internet Web site at [<http://www.cic.gc.ca>].

Officer KPE  
Case Processing Centre  
Vegreville, Alberta