

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Case No. 10-cv-02528-PAB-MEH

VIDEOTAPED DEPOSITION OF ANN S. MAEST and the

30(b)(6) DEPOSITION OF STRATUS (Topics 2 & 3)

DECEMBER 8, 2010

In re Application of,

RODRIGO PEREZ PALLARES, an Ecuadorian citizen, and

RICARDO REIS VEIGA, an American citizen,

for an Order to Conduct Discovery for Use in

Foreign Proceedings.

APPEARANCES:

COVINGTON & BURLING, LLP

By Jason P. Criss, Esq.

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Appearing on behalf of

Ricardo Reis Veiga

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Appearing on behalf of

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APPEARANCES (Continued):

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Appearing on behalf of

Chevron Corporation

Also Present: Maryvonne Tompkins, Videographer

Erica Stein, Esq. (by telephone)

1 that Mr. Cabrera did with respect to the report

2 that was produced and submitted on April 1st, 2008?

3 That he personally did?

4 MR. BEIER: Object to the form.

5 A Could you rephrase that.

6 Q (BY MR. DANS) Of all the activities

7 that Mr. Cabrera cites in his report, are you aware

8 of any of them that he actually himself,

9 personally, physically undertook?

10 MR. BEIER: Objection. Form.

11 Foundation.

12 You can answer.

13 A I know that Mr. Cabrera was out in the

14 field collecting samples.

15 Q (BY MR. DANS) And what happened to

16 those samples after he collected them?

17 A I don't know. I wasn't in the field

18 with him.

19 Q Well, do you know if he analyzed those

20 samples?

21 A Do you mean -- what do you mean by

22 "analyzed"? What do you mean?

23 Q Well, I'm not the scientist, but -- I

24 don't know. What do you do with samples after you

25 collect them?

1 THE DEPONENT: Sorry.

2 A Collecting water samples in the
3 concession.

4 Q (BY MR. DANS) And what was the purpose
5 of that?

6 A To look for the presence of petroleum
7 contaminants in water.

8 Q And what would you do with the results
9 of this detection?

10 A What would we do with them?

11 Q What were you planning to do with the
12 results of this search for contaminants?

13 A At that point it was just to look for
14 the presence or absence of oil-related
15 contaminants. So we weren't sure. It was part of,
16 you know, an investigation to see what we could
17 find.

18 Q And what did you find?

19 A We found some elevated concentrations
20 of total petroleum hydrocarbons and polycyclic
21 aromatic hydrocarbons.

22 Q Where did you find those?

23 A I believe it was downstream of one of
24 the separation stations in the concession.

25 Q And did you find -- make any other

1 Q Do you knew -- did you know who

2 Mr. Reis was prior to March 3rd, 2007?

3 A I don't recall.

4 Q Did you hear anyone talking about in

5 that meeting about the necessity with having

6 Richard agree to something?

7 A "Richard agree to something." I

8 don't -- that's very general. I don't recall that,

9 no.

10 Q Well, I mean, did you understand that

11 Richard Cabrera's acceptance would be necessary

12 with respect to certain elements of the expert

13 report?

14 MR. BEIER: Object to the form,

15 foundation.

16 You can answer.

17 A I -- I didn't know.

18 Q (BY MR. DANS) During the clip, you

19 make a point to interject and ask, in response to

20 Mr. Fajardo's statement, "What the expert is going

21 to do is sign the report and review it, but all of

22 us have to contribute to that report." And then

23 you interject, "Together." Or, rather, he says

24 "Together," and you said, "But not Chevron." Why

25 were you asking whether Chevron would be involved

1 A And there are also pHs that are high in
2 soil and groundwater immediately under the -- the
3 pits that were allegedly remediated.

4 Q And which -- which scientific samples
5 are you relying upon to base your opinion?

6 A A combination of Chevron's and the
7 Frente's, the plaintiffs'.

8 Q Any of Mr. Cabrera's?

9 A I believe Mr. Cabrera -- well, at this
10 time -- there's no date on this, but . . . I
11 don't think he had any samples.

12 Q Well, I mean, as you sit here today, is
13 that still your opinion?

14 A Yes.

15 Q And you had formed this opinion that
16 the "'remediation' was not effective" as of March
17 3rd, 2007?

18 A Yes.

19 Q And had you done any investigation as
20 to what the remediation entailed?

21 A Yes.

22 Q And what was the basis of that
23 investigation?

24 A The remedial action plan, and the
25 Woodward-Clyde report from, I believe it was, May

1 that proved the groundwater contamination?

2 A I don't know exactly which ones, but

3 there were a number of the plaintiffs' expert

4 reports that included samples of groundwater taken

5 underneath pits.

6 Q Was there any evidence of any

7 widespread contamination?

8 A They didn't do widespread monitoring.

9 Q So there's no evidence of any

10 contamination wide- --

11 MR. BEIER: Objection.

12 Q (BY MR. DANS) -- spread?

13 MR. BEIER: Objection. Foundation and

14 form.

15 You can answer.

16 A There's an enormous amount of evidence

17 of widespread contamination in the Napo concession.

18 Q (BY MR. DANS) In the groundwater?

19 A Oh, specifically in the groundwater?

20 Q Yes.

21 A At -- I would say yes.

22 Q Well, what is the basis for your

23 statement?

24 A Because a number of pits at many

25 locations throughout the concession were found to

1 have contaminated groundwater.

2 Q Do you have any evidence, scientific

3 evidence, showing that any of that contamination,

4 provided it even exists, has spread throughout the

5 groundwater?

6 A What do you mean, "throughout the

7 groundwater"? What do you mean?

8 Q Has spread from those pits elsewhere.

9 A Mm-hmm. From individual pits? No.

10 That's what I was saying before. They haven't done

11 monitoring away from each pit to look at how far

12 the groundwater contamination spread.

13 MR. DANS: I'd like the court reporter

14 to mark as Exhibit 560 Clip CRS 195-05, Clip 1.

15 (Thereinafter Deposition Exhibit 560

16 was played.)

17 Q (BY MR. DANS) Ms. Maest, do you recall

18 that conversation?

19 A Yes.

20 Q When was the last time you watched that

21 clip?

22 A Probably -- within the last two weeks.

23 Q Well, Mr. Champ says, "This is where I

24 agree with Ann a thousand percent. There is not

25 enough information on the groundwater."

1 believe that that -- those data were included in
2 the database.

3 Q Did Mr. Cabrera release any of his data
4 prior to the release of his April 1st, 2008 report?

5 MR. BEIER: Objection. Foundation.

6 You can answer.

7 A I don't know if he did. I don't know.

8 Q (BY MR. DANS) Did anyone release any
9 of his data collected in the Peritajo -- Peritaje
10 Global inspection, prior to the release of his
11 April 1 report?

12 A Well, as I said, the only thing I
13 remember was data from Gomez. And it was my
14 understanding at the time that that was part of the
15 Peritaje Global.

16 Q And when did you learn that this Gomez
17 data had been entered in the database?

18 A I don't recall.

19 Q What's the purpose in making a
20 database?

21 A The -- well, the primary purpose is to
22 be able to pull data out of the database to plot it
23 or evaluate it in a way to, you know, evaluate
24 what's going on with environmental conditions at
25 all the sites.