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August 13, 2012

By ECF

Honorable Nathanael Cousins
United States District Judge
U.S. District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re Application of Dr. Diego García Carrión, et al. (Mason Investigative Group, et al.)*
Status Update: No. 11-mc-80110-CRB-NMC

Dear Judge Cousins:

The Republic of Ecuador respectfully renews its request that this discovery matter be resolved expeditiously.

As this Court knows, the Republic first applied for discovery from the Mason Investigative Group and its principals on May 16, 2011. The Honorable Judge Breyer granted that Application — more than a year ago on August 5, 2011 — following which the Mason Group produced a very limited set of documents, withholding the rest as attorney-client privileged or protected as attorney work-product. As a result the Republic moved to compel production of the vast majority of the withheld documents for multiple reasons, including most fundamentally that they could not be privileged. Presumably to facilitate resolution of the Republic’s Motion to Compel, this Court ordered the Mason Group to produce for *in camera* review a limited set of documents by March 30, 2012.

The Republic’s first and primary opportunity to present its full case on the merits is quickly approaching in the Treaty Arbitration — the Republic’s Counter-Memorial on the Merits is due February 18, 2013. But the Republic does not have access to the discovery essential to presenting its defense.

As this Court can likely confirm from its *in camera* review of the documents, the contents of the documents will likely require the Republic to seek further evidence from other sources. The Republic is not only being denied the right to review the documents it has been seeking for over a year, but is unable to pursue necessary related discovery.¹

¹ As Judge Breyer noted in a related 1782 Application, given the serious allegations at issue in the Treaty Arbitration, the Court should exercise its discretion “in favor of disclosure.” Sept. 23, 2011 Hr’g at 15:2-4 held in *In re Republic of Ecuador* (Kelsh), 3:11-mc-80171 (Dkt 36).

The Honorable Judge Cousins

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For the foregoing reasons, the Republic respectfully renews its earlier request that this discovery matter be resolved expeditiously, and that Respondents be ordered to produce the withheld documents forthwith.

Respectfully submitted,

/s/ Eric W. Bloom

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