UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CHEVRON CORPORATION,

Plaintiff,

v.

STEVEN DONZIGER, THE LAW OFFICES OF STEVEN R. DONZIGER, et al.,

Defendants.

CASE NO. 11-CV-0691 (LAK)

DEFENDANTS HUGO GERADO CAMACHO NARANJO AND JAVIER PIAGUAJE PAYAGUAJE, STEVEN DONZIGER, THE LAW OFFICES OF STEVEN R. DONZIGER AND DONZIGER & ASSOCIATES, PLLC'S JOINT OPPOSITION TO CHEVRON'S MOTION FOR AN ORDER FURTHER PROTECTING THE CONFIDENTIAL DECLARATION OF DOE 3 AND GRANTING LEAVE TO SUPPLEMENT THE RECORD WITH DOE 3'S DECLARATION

In the oil company's campaign to prevent disclosure of anything about Ecuador except what it wants to disclose, Chevron filed a motion asking this Court for an "order precluding counsel for Defendants in this action from disclosing the Doe 3 declaration, the identity of Doe 3, or any of Doe 3's identifying information, to anyone other than a single individual acting as counsel of record in this action." Why not title this motion:

"MOTION FOR COURT TO PERMIT CHEVRON TO MAKE SECRET ACCUSATIONS AGAINST ANYONE IT WANTS WITHOUT PERMITTING THOSE ACCUSED TO CONFRONT THE ACCUSERS OR TO EVEN KNOW THE IDENTITY OF THOSE MAKING THE ACCUSATION."

Chevron files motions to conceal identities of accusers that would be right at home in the Spanish Inquisition or the Star Chamber, confident that the Court will grant the motions every time. Defendants Hugo Camacho, Javier Piaguaje, Steven Donziger, the Law Offices of Steven Donziger, and Donziger & Associates, PLLC (Defendants) oppose the motion for these reasons:

1. The factual predicate for the motion—that the witness faces "great personal risk"—is unsupported. No "risk" is described, other than potential prosecution for lies and loss of reputation, which would be deserved. If the witness faces calumny or indeed prosecution for lies or other violations of Ecuadorian law, that is the risk persons face when they lie under oath about and defame individuals. It is the risk a person would face in the United States under similar circumstances, and a U.S. Court should blush at protecting from disclosure the identity of a person making these accusations.

2. The motion is offensive to basic principles of U.S. law—which this Court and Chevron purport to trumpet in attacking the Ecuadorian judicial system—that permit an accused to confront his accuser. Only totalitarian and repressive regimes permit, especially in a civil context such as this, an accuser to hide his or her name from the accused.

3. The fantastic events cited by the Court to support secret proceedings, such as "persistent obstruction of discovery in this case," do not exist and do not justify protecting

someone's identity from disclosure. Nor do risks such as "the privacy interests of the Does" or "the need to safeguard them" from intimidation and economic reprisals merit this level of secrecy. There is, of course, ***no*** evidence to support the casually embedded "physical reprisals"—not one piece of evidence showing any physical reprisal to anyone connected with Chevron's game. Also, four or five of Chevron's Ecuadorian lawyers have given declarations about Chevron's dealings with the corrupt Guerra directly or through Does 1 and 2, yet these lawyers still live and practice openly in Ecuador as have Does 1 and 2 and have suffered no harm.

4. The Court consistently ignores, suppresses, or overlooks unethical and shady conduct by Chevron—real, not imagined conduct—including spying on opposing counsel, recording opposing counsel's meetings with witnesses, and "negotiating" the price for witnesses' testimony. There is no credible evidence of judicial bribery by the LAPs; in fact, the "evidence" of judicial bribery comes only from Alberto Guerra, who admits to violating Ecuadorian law, lying to lawyers for both Chevron and the Ecuadorian Plaintiffs, and to whom Chevron has paid hundreds of thousands of dollars for his testimony. If the Court would review with an open mind the taped interview with Guerra before he consented to testify for Chevron and his deposition testimony about his negotiating with Chevron the price of his giving a declaration (attached to Declaration of Larry Veselka and filed under seal), the Court would conclude that the money Chevron paid the witness was in response to a solicitation to pay for testimony, followed by a negotiation over the amount.

5. Chevron provides no justification to limit disclosure of Doe 3 "to anyone other than an individual counsel of record for each Defendant in this action," other than its reliance on the Court's "exercise [of] its broad powers" to grant Chevron's unsupported request "to preserve

the integrity of the court's process and proceedings." How does limiting access to one lawyer protect "the integrity of the court's process"? Why not limit it to no lawyers, in a world where secrecy constitutes integrity?

6. Chevron proved with Guerra and Borja (and undoubtedly unknown others) that it will whisk witnesses out of Ecuador when they are claimed "at risk." If the U.S. were so generous with its political asylum policies on behalf of other, non-Chevron employers, the country would have no illegal immigrants. Will Chevron buy a car, a house, and provide lawyers for the secret Doe witnesses as well, to insure their "integrity"?

The lopsided injustices of this case have mounted to the point of absurdity. For future reference, when Chevron files under seal a motion styled, "Confidential and Private Motion to Win, Just Trust Us, We're Right—For the Court's Eyes Only, Not for Release to Opposing Counsel Due to Extreme Risk of Exposure to Logic, Law, and Real Facts," please mark Defendants as opposed.

Dated: May 14, 2013
Houston, Texas

Respectfully submitted,

/s/ *Tyler G. Doyle*

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