

THE RESOLUTION EXPERTS®

May 31, 2013

BY HAND & EMAIL

The Honorable Lewis A. Kaplan  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Chevron Corp. v. Donziger, No. 11 Civ. 691 (LAK)

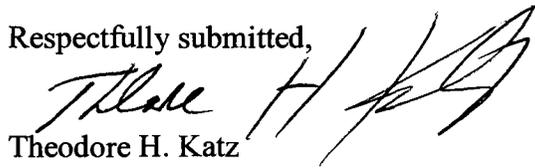
Dear Judge Kaplan:

I write on behalf of myself and Mr. Gitter concerning the payment of our and Cleary Gottlieb's fees in this matter.

Following Your Honor's order appointing us as Special Masters, and on several occasions thereafter, we were told in the most unmistakable terms by defendants' counsel that defendants will not be paying any portion of our bills. A sampling of this correspondence is enclosed. Because sending a bill in these circumstances would, in our view, be futile, we have heretofore avoided sending any bills to the parties on behalf of ourselves or Cleary Gottlieb (although my assistant did send a mistaken retainer invoice, which prompted some of the enclosed correspondence).

We await Your Honor's instructions as to how we should proceed.

Respectfully submitted,

  
Theodore H. Katz

cc: Max Gitter, Esq. (via email)  
All counsel of record (via email)

Enclosures

**Ormand, Justin L.**

---

**From:** csmyser@skv.com  
**Sent:** Friday, March 29, 2013 7:33 PM  
**To:** Ormand, Justin L; RMastro@gibsondunn.com; aneuman@gibsondunn.com; jlittle@kvn.com; Weitzman, Avi; Seley, Peter E.; Champion, Anne; Chevron Service - Stratus:Krause, S.; Chevron Service - Stratus:Green. B.; Chevron Service - Stratus:Sims, M.; lveselka@skv.com; jkeker@kvn.com  
**Cc:** tkatz@jamsadr.com; Gitter, Max  
**Subject:** RE: Special Masters' Joint Order No. 1 - Your Immediate Attention Required

**Dear Mr. Ormand,**

**I represent Defendants Hugo Camacho, a subsistence farmer, and Javier Piaguaje, a canoe operator, both of whom live in the Amazon rain forest. On behalf of these Defendants, we do not believe that either an organizational meeting or a pre-organizational meeting phone call are necessary. In fact, with due respect, Defendants and their counsel do not believe Special Masters are necessary. Despite the contentious nature of this dispute, counsel can take and have taken depositions with Chevron's counsel without supervision. Defendants' counsel have not been paid substantial fees they are owed. Although to date Defendants have not received any information regarding rates and charges for the Special Masters, if Defendants' counsel is unable to be paid, it is equally likely that the Special Masters will not be paid, regardless of rates, and counsel has so informed the court. Accordingly, Defendants respectfully request that the Special Masters inform the court that in view of Defendants' inability to pay fees for the Special Masters that, on further reflection, the Special Masters decline to serve.**

**If the Special Masters nonetheless continue to believe an hour long pre-organizational meeting call is necessary, counsel for Defendants Camacho and Piaguaje will be available at 6 p.m. Monday.**

**Sincerely,**

**Craig Smyser**



**Craig Smyser  
Smyser Kaplan & Veselka, L.L.P.**

**700 Louisiana, Suite 2300  
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This e-mail is confidential and privileged. If the reader is not the intended recipient, any review, dissemination or copying of any part of this e-mail is prohibited. If you received this e-mail in error, please notify the sender by e-mail or at 713-221-2330.

**From:** Ormand, Justin L [<mailto:jormand@cgsh.com>]  
**Sent:** Friday, March 29, 2013 3:40 PM  
**To:** [RMastro@gibsondunn.com](mailto:RMastro@gibsondunn.com); [aneuman@gibsondunn.com](mailto:aneuman@gibsondunn.com); Smyser, Craig; [jlittle@kvn.com](mailto:jlittle@kvn.com); Weitzman, Avi; Seley, Peter E.; Champion, Anne; Chevron Service - Stratus:Krause, S.; Chevron Service - Stratus:Green. B.; Chevron Service - Stratus:Sims, M.; Veselka, Larry; [jkeker@kvn.com](mailto:jkeker@kvn.com)  
**Cc:** [tkatz@jamsadr.com](mailto:tkatz@jamsadr.com); Gitter, Max  
**Subject:** Special Masters' Joint Order No. 1 - Your Immediate Attention Required

Counsel: Please see below for the Special Masters' Joint Order No. 1.

\*\*\*\*\*

#### JOINT ORDER NO. 1

Given the contentiousness of the parties even in response to our request for objective information pertaining to scheduling, and the need to address preliminary matters, we will hold a relatively short (no more than one hour) conference call either tomorrow, March 30, at 12:00 p.m. New York time or Monday, April 1, at 6:00 p.m. New York time. We expect to use this conference call principally to ask questions, and we will make determinations, including when to hold an organizational meeting, after the call. Counsel are directed to inform Mr. Ormand, by separate email (not copying any counsel) before 8:00 p.m. New York time tonight, as to which of the above-referenced times they prefer. We will then advise you all of the day and the time of the conference call and will circulate dial-in information. If lead counsel cannot attend the call at the designated time, they shall send a delegate in their stead.

The email to Mr. Ormand shall contain no argument and no criticism of opposing counsel whatsoever. We find, as did Judge Kaplan, that the contentious exchanges among counsel are counter-productive and unprofessional, and expect them to cease as we move forward in this proceeding.

Finally, in light of the proposed settlement between Chevron and Stratus, the stay of discovery deadlines with respect to Stratus, and the unlikelihood that Stratus will be participating to a significant degree in discovery, we do not think Stratus' presence is necessary at this point. Stratus is welcome to participate if they wish to do so.

So ordered.

Theodore H. Katz

Max Gitter

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Justin L. Ormand  
Cleary Gottlieb Steen & Hamilton LLP  
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t: +1 212 225 2352 | f: +1 212 225 3999  
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## Ormand, Justin L.

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**From:** jlittle@kvn.com  
**Sent:** Tuesday, April 09, 2013 7:48 PM  
**To:** 'Veglia Monica'; Gitter, Max; Ormand, Justin L; Barras, Michelle; aneuman@gibsondunn.com; achampion@gibsondunn.com; cjoralemon@gibsondunn.com; jstavers@gibsondunn.com; RMastro@gibsondunn.com; sedelman@gibsondunn.com; WThomson@gibsondunn.com; Elliot Peters; Chris J. Young; jkeker@kvn.com; Justina K. Sessions; mwerdegar@kvn.com; Nikki K. Vo; Paula Blizzard; William S. Hicks; jgomez@gomezllc.com; cbryan@skv.com; csmysen@skv.com; Imurphy@skv.com; lveselka@skv.com; tydoyle@skv.com  
**Subject:** RE: Chevron Corporation vs. Donziger, Steven, et al. - REF# 1425013433  
**Attachments:** 2013 03 28 JWK Kaplan re Special Master and participation in Depo fees.pdf

Dear Ms. Veglia:

I am writing on behalf of the Donziger defendants, in response to your query of last week about which firms will be responsible for Judge Katz' bills.

As we have previously informed Judge Kaplan (see attached letter), unless circumstances change, neither Mr. Donziger nor Defendants Camacho or Piaguaje are going to be able to pay any bills submitted by Mr. Gitter or Judge Katz. Further explanation can be found in the attached letter.

Very truly yours,

Jan Nielsen Little  
KEKER & VAN NEST LLP  
Counsel for the Donziger Defendants

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**Jan Nielsen Little**  
Attorney at Law

**KEKER & VAN NEST**<sup>LLP</sup>

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FAX (415) 397-7188

JOHN W. KEKER  
jkeker@kvn.com

March 28, 2013

**VIA HAND DELIVERY**

The Honorable Lewis A. Kaplan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Chevron Corporation v. Steven Donziger, et al.*  
Case No. 1:11-cv-00691-LAK

Dear Judge Kaplan:

We received the attached letter dated March 27, 2013 from counsel for Chevron, capitalizing on the Court's "Order of Appointment" docketed March 26 (Dkt. 942) concerning the appointment of Special Masters.

The Court's March 26 Order states that Special Masters will be appointed to attend depositions, with Max Gitter being paid his Clearly Gottlieb hourly rate and Judge Katz being paid his JAMS hourly rate. The Court also authorized Mr. Gitter additionally to employ (and bill for) a Clearly Gottlieb associate and a Clearly Gottlieb legal assistant. And the Court ordered that the bills for these fees and costs were to be allocated 50% to the defendants other than Stratus, i.e. to the three individuals Steven Donziger, Hugo Camacho and Javier Piaguaje, and 50% to Chevron. In response to the Court's order, Chevron's counsel wrote the attached March 27 letter indicating that it wants the Special Masters to attend a minimum of 27 depositions, at least a third of them in Peru, while reserving the option to ask for masters at even more depositions.

Donziger has previously objected to being required to pay for Special Masters, *see* Dkts. 822, 890 and 943, as did Camacho and Piaguaje. Donziger has asked both Chevron and the Court for information on how much Mr. Gitter charged in the 1782 litigation, *see* Dkt. 890 and 943 et al. and no information has been provided. Donziger has advised the Court that due to financial constraints it is unlikely that he will send counsel to attend most depositions, and that it is particularly unfair to charge Donziger Special Master fees for depositions his counsel does not even attend. *See* Dkt. 943 at n. 2. Camacho and Piaguaje face similar financial constraints and may also be unlikely to attend a number of depositions. There has been no response to these requests and statements.

We do not know what Mr. Gitter's hourly billing rate is. Two years ago the Wall Street Journal published billing rates of "Top Attorneys in the U.S." and top Cleary Gottlieb partners were listed as billing at \$1,020- \$1,160 per hour. That was two years ago, and we assume rates are even higher today, and that Mr. Gitter is considered a "Top Attorney" at Cleary. Back of the envelope math suggests that Special Masters' fees and costs will end up near or above \$10,000 per day, not to mention associate and paralegal time, travel time, preparation time, travel expenses, and the like, meaning that the total fees and costs for Special Masters serving as Chevron has requested will total several hundred thousand dollars. Chevron, whose profits last year exceeded \$26 billion (about \$50,000 per minute), can afford this. Mere mortals Donziger, Camacho and Piaguaje cannot.

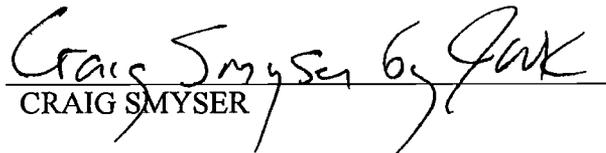
Without waiving any attorney client privilege or work product protections, Donziger's counsel must advise the Court that Kecker & Van Nest LLP was hired on a straight hourly rate basis, and has no contingent interest in the outcome of this or any other litigation. Kecker & Van Nest's bills have been seriously in arrears for some time, and Mr. Donziger currently owes the firm fees and costs in excess of \$1 million. He cannot afford to pay his own attorneys, and he certainly cannot afford to pay Clearly Gottlieb, JAMS, or any other third party Chevron is seeking to hire. Also without waiving any attorney client privilege or work product protections we advise the Court that although Camacho and Piaguaje hired Smyser Kaplan Veselka, L.L.P. on a mixed contingent and hourly rate basis, Smyser Kaplan Veselka is also currently owed fees and costs in excess of \$1 million. They, too, cannot afford to pay Cleary Gottlieb, JAMS, or any other third party Chevron seeks to hire.

Accordingly, we are writing to advise that, unless circumstances change, neither Mr. Donziger nor Camacho and Piaguaje are going to be able to pay any bills submitted by Mr. Gitter or Judge Katz.

Respectfully submitted,

KEKER & VAN NEST LLP

SMYSER KAPLAN & VESELKA

  
\_\_\_\_\_  
JOHN W. KEKER  
\_\_\_\_\_  
CRAIG SMYSER

JWK:srg

cc: All Counsel of Record

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

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Avi Weitzman  
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AWeitzman@gibsondunn.com

March 27, 2013

## VIA ELECTRONIC MAIL

Craig Smyser, Esquire  
Smyser Kaplan & Veselka, LLP  
700 Louisiana  
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csmyser@skv.com

John Keker, Esquire  
Keker & Van Nest, LLP  
710 Sansome Street  
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Julio C. Gómez, Esquire  
The Sturde Building  
111 Quimby Street, Suite 8  
Westfield, NJ 07090  
jgomez@gomezllc.com

Re: *Chevron Corp. v. Donziger*, Case No. 11 Civ. 0691 (LAK)

Counsel:

I write regarding Judge Kaplan's Order of Appointment (Dkt. 942), issued yesterday, which overrules the objections of the LAP and Donziger defendants to the appointment of Mr. Gitter, and further seeks the parties' agreement regarding the depositions over which a special master should preside.

We understand that you have objected to the appointment and use of special masters at depositions. Nonetheless, as ordered by the Court, we request that the defendants agree to have a special master preside over depositions of the following witnesses:

Alberto Guerra  
Andrew Woods  
Andres Rivero  
Pablo Fajardo  
Julio Prieto  
Juan Pablo Sáenz M

# GIBSON DUNN

March 27, 2013

Page 2

Luis Francisco Yanza  
Judge Nicolas Zambrano Lozada  
Emery Celli Brinckerhoff & Abady, LLC 30(b)(6)  
Jeffrey I. Shinder  
Joseph Kohn  
Laura Garr  
Silver and DeBoskey 30(b)(6)  
Amazon Watch 30(b)(6)  
Ximena Centeno  
Hugo Camacho Naranjo  
Ramiro Fernando Reyes  
Javier Piaguaje Payaguaje  
John McDermott  
Dave Russell  
Patton Boggs LLP 30(b)(6)  
Donziger & Associates 30(b)(6)  
Adolfo Callejas  
Enrique Carvajal  
Ivan Alberto Racines  
Alfredo Guerrero  
Servio Curipoma

Please note that Chevron reserves the right to request the presence of a special master at any additional depositions that are noticed by any party to this action as it deems appropriate.<sup>1</sup> Please advise us no later than 5:00pm EST March 29, 2013, over which depositions you will agree to have a special master preside.

Sincerely,



Avi Weitzman

AW/rg

cc: all counsel of record

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<sup>1</sup> Chevron has previously indicated its intent to object to depositions of 30(b)(6) witnesses from Chevron and Kroll, Inc., as well as John Watson, Chevron's CEO and Chairman, and Ed Scott, Chevron's General Counsel. In the event that Chevron is ordered to produce these witnesses and depending on the topics identified in the 30(b)(6) notices, Chevron reserves the right to request the presence of a special master at these depositions.



SMYSER KAPLAN & VESELKA, L.L.P.

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Direct Dial Number:  
(713) 221-2330

Author's E-mail Address:  
csmysers@skv.com

April 10, 2013

*Via E-mail*

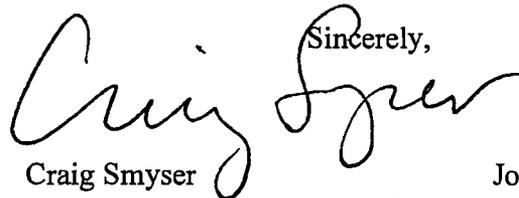
Mr. Justin L. Ormand  
Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza  
New York NY 10006

Dear Mr. Ormand,

We write on behalf of Defendants Hugo Camacho and Javier Piaguaje and the Donziger Defendants ("we" or "Defendants") in response to your email of April 8, 2013 inquiring about the necessity for special master supervision of the depositions of three witnesses, Martin Beier, John McDermott, and Joe Silver in light of the dismissal of Stratus from this case and its settlement with Chevron.

First, consistent with our previous statements to the special masters, we do not believe special master supervision is necessary for any depositions and not for these particular depositions. Second, we cannot and will not pay for the supervision if it occurs. Third, while Stratus is free to waive its privileges/work product with respect to communications with or work performed by its own attorneys, Stratus cannot waive, and we continue to assert, our privileges and work product protections with respect to all communications and documents related to (a) the work Stratus performed in Ecuador for Defendants, (b) common-interest communications regarding the Stratus 28 U.S.C. §1782 proceedings, including those involving Doug Beltman and Ann Maest, and (c) common-interest communications that occurred after Chevron sued Stratus and Defendants in February 2011.

Sincerely,



Craig Smyser  
Smyser Kaplan & Veselka, LLP  
*Attorney for Defendants*  
Hugo Gerardo Camacho Naranjo  
and Javier Piaguaje Payaguaje



John Keeker  
Keeker & Van Nest, LLP  
*Attorneys for Defendants Steven Donziger,*  
*the Law Offices of Steven R. Donziger*  
*and Donziger & Associates, PLLC*

by CS

CS:rg

cc: All Counsel of Record



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JOHN W. KEKER  
jkeker@kvn.com

April 23, 2013

**VIA ELECTRONIC MAIL**

Hon. Theodore Katz (Ret.)  
JAMS  
620 Eighth Avenue, 34th Floor  
New York, NY 10018

Re: Chevron Corporation v. Donziger, et al.  
JAMS Reference No. 1425013433

Dear Judge Katz:

We represent Steven Donziger in the above captioned action. Yesterday, April 22, 2013, I received an invoice from your staff, which I have attached, addressed to me. So as to prevent future misunderstanding, I need to advise that since Judge Kaplan's order of March 26 holds defendants jointly and severally liable for 50% of your and Mr. Gitter's bills, Kecker & Van Nest LLP is not a proper recipient of your bills, unless they are being sent to Mr. Donziger via us. I wanted to make plain that we accept no responsibility for this bill or those sent in the future. I would also note that the division is inconsistent with Judge Kaplan's order, which split 50-50 responsibility for Special Master bills between Chevron and the non-Stratus defendants.

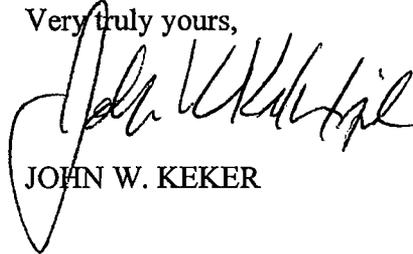
We have previously written to Judge Kaplan and to your assistant Monica Veglia that Mr. Donziger is not able to pay our bills, and has been in arrears to our firm for many months. He currently owes our firm in excess of \$1 million. So long as he can't pay our bills, which we are insisting he do, he can't pay your bills either. Chevron with its almost infinite resources is trying to run Mr. Donziger and his counsel off the field, so that no trial will be had. Mr. Donziger cannot afford for his lawyers to attend depositions, and we have no plans to attend any foreign deposition. Without us even attending it is hard to see why Special Masters reading, thinking, travelling and sitting through depositions, and billing for all that time, is necessary. I ask you to rethink the necessity for your attendance in Lima or at any deposition, and to cease all work that you plan to bill Mr. Donziger for.

Hon. Theodore Katz (Ret.)  
April 23, 2013  
Page 2

Via Electronic Mail

I am sorry to have to be so blunt about our position in this case, but Chevron has succeeding in making it quite untenable.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Keke". The signature is written in a cursive style with a large, sweeping initial "J".

JOHN W. KEKER

JWK:jnl  
Enclosure  
cc: Counsel of Record



# SMYSER KAPLAN & VESELKA, L.L.P.

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Author's E-mail Address:  
[csmyser@skv.com](mailto:csmyser@skv.com)

April 24, 2013

*VIA ELECTRONIC MAIL*

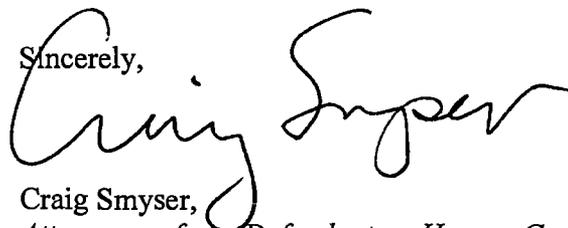
The Honorable Theodore H. Katz  
JAMS  
620 Eighth Avenue  
34th Floor  
New York, NY 10018

Re: *Chevron Corp. v. Donziger*, Case No. 11 Civ 0691 (LAK)  
JAMS reference No. 1425013433

Dear Judge Katz:

We represent Mr. Hugo Camacho and Mr. Javier Piaguaje in the above referenced action. On April 22, 2013, we received an invoice from JAMs addressed to our law firm. On April 23, 2013, we received a letter addressed to you from John W. Kecker, counsel for Steven Donziger. I write to join in the points made in Mr. Kecker's letter regarding the invoice and the allocation of responsibility for the bill and to assert, as he does, that our clients likewise cannot pay our bills and so cannot pay yours either. I too apologize for the bluntness of my communications on these issues.

Sincerely,



Craig Smyser,  
*Attorneys for Defendants Hugo Gerardo  
Camacho Naranjo and Javier Piaguaje  
Payaguaje*

cc: All Counsel of Record



## Ormand, Justin L.

---

**From:** jlittle@kvn.com  
**Sent:** Wednesday, May 08, 2013 8:21 PM  
**To:** aweitzman@gibsondunn.com; Ormand, Justin L  
**Cc:** aneuman@gibsondunn.com; bgreen@zeklaw.com; csmysr@skv.com; jgomez@gomezllc.com; jkeker@kvn.com; lveselka@skv.com; msims@zeklaw.com; mwerdegar@kvn.com; pseley@gibsondunn.com; rgray@gibsondunn.com; RMastro@gibsondunn.com; skrause@zeklaw.com; ssloan@skv.com; 'Ted Katz (thkatz@verizon.net)'; Gitter, Max; jgomez@gomezllc.com; mwerdegar@kvn.com; lveselka@skv.com; Small, Adlai  
**Subject:** RE: Counsel for Third Parties

On behalf of the Donziger Defendants, we repeat our continuing objection to the Special Master procedures being employed in this case. We object to a Special Master for this deposition as unnecessary, burdensome, and in violation of FRCP 53(a)(1) which states that special masters may be appointed to decide issues "*only*...if appointment is warranted by some exceptional condition," or to address matters that "cannot be effectively or timely addressed by an available district judge or magistrate judge." The fact that a witness has a lawyer is not an "exceptional condition". There is no showing of the unavailability of a district judge or magistrate judge, to whom ordinary litigants are required to address disputes. It is inappropriate for Chevron to encourage, and for Special Masters to bill for, unnecessary and burdensome expenses such as this, for which Defendants cannot and will not pay in any event. We object.

---

**Jan Nielsen Little**  
Attorney at Law

**KEKER & VAN NEST**<sup>LLP</sup>

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**From:** Weitzman, Avi [mailto:AWeitzman@gibsondunn.com]  
**Sent:** Wednesday, May 08, 2013 3:19 PM  
**To:** Ormand, Justin L  
**Cc:** Neuman, Andrea E.; bgreen@zeklaw.com; Craig Smyser; Chevron Service - Camacho/Piaguaje:Gomez, J.; John Kecker; Jan Little; Chevron Service - Camacho/Piaguaje:Veselka, L.; msims@zeklaw.com; Matthew Werdegar; Seley, Peter E.; Gray, Rebecca; Randy Mastro; skrause@zeklaw.com; Chevron Service - Camacho/Piaguaje:Sloan, S.; 'Ted Katz (thkatz@verizon.net)'; Gitter, Max  
**Subject:** RE: Counsel for Third Parties

Special Masters Gitter and Katz,

In response to your below requests, this e-mail shall confirm that Chevron is requesting Special Master supervision over the deposition of Mr. Dunkelberger. At the time of the April 5 submission, Mr. Dunkelberger was not represented by Adlai Small of Patton Boggs. Given the motion practice that occurred in connection with discovery requests of Patton Boggs and other third parties represented by Patton Boggs, as well as the challenges we had scheduling the deposition of Mr. Dunkelberger once Patton Boggs began representing him, we believe that the deposition of Mr. Dunkelberger would be greatly assisted by Special Master supervision. In addition, we confirm that Chevron does not intend to seek

Special Master supervision at the deposition of Ms. Hinton, and we have no objection to Special Master availability by telephone at a deposition of Mr. Silver.

Respectfully,  
Avi Weitzman

Avi Weitzman  
Of Counsel

GIBSON DUNN

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**From:** Ormand, Justin L [<mailto:jormand@cgsh.com>]

**Sent:** Tuesday, May 07, 2013 1:21 PM

**To:** Weitzman, Avi

**Cc:** Neuman, Andrea E.; [bgreen@zeklaw.com](mailto:bgreen@zeklaw.com); Chevron Service - Camacho/Piaguaje:Csmysr; Chevron Service - Camacho/Piaguaje:Gomez, J.; Chevron Service - Donziger:Keker, J; Chevron Service Donziger:Little, J; Chevron Service - Camacho/Piaguaje:Veselka, L.; [msims@zeklaw.com](mailto:msims@zeklaw.com); Chevron Service - Donziger:Werdegar, M; Seley, Peter E.; Gray, Rebecca; Mastro, Randy M.; [skrause@zeklaw.com](mailto:skrause@zeklaw.com); Chevron Service - Camacho/Piaguaje:Sloan, S.; 'Ted Katz ([thkatz@verizon.net](mailto:thkatz@verizon.net))'; Gitter, Max

**Subject:** RE: Counsel for Third Parties

Mr. Weitzman,

Thank you for email. The Special Masters have a few questions/comments in light of the information you've provided.

- (1) In the parties' joint submission of April 5, the Dunkelberger deposition was not listed as a deposition requiring Special Master supervision. Has your position with respect to Mr. Dunkelberger now changed? If so, can you please provide the rationale for why supervision is now requested and why that rationale was not applicable on April 5?
- (2) The Special Masters were not aware that Karen Hinton would be deposed. Are you requesting that a Special Master supervise Ms. Hinton's deposition? If so, what is the rationale for the request? If you are requesting supervision, please forward a copy of the subpoena to Ms. Hinton (if any) along with your response.
- (3) Finally, the Special Masters see no need for the Silver deposition to be supervised in person or by videoconference given that the issues relevant to that deposition were resolved during the course of the Beier deposition and by Special Masters Order No. 6. A Special Master will, however, be available by phone if given sufficient advance notice of the date of the Silver deposition.

Thank you,

Justin Ormand

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Justin L. Ormand  
Cleary Gottlieb Steen & Hamilton LLP  
Assistant: [ldesalvo@cgsh.com](mailto:ldesalvo@cgsh.com)  
One Liberty Plaza, New York NY 10006

**From:** aweitzman@gibsondunn.com  
**Sent:** Monday, May 06, 2013 6:45 PM  
**To:** Ormand, Justin L  
**Cc:** aneuman@gibsondunn.com; bgreen@zeklaw.com; csmyser@skv.com; jgomez@gomezluc.com; jkeker@kvn.com; jlittle@kvn.com; lveselka@skv.com; msims@zeklaw.com; mwerdegar@kvn.com; pseley@gibsondunn.com; rgray@gibsondunn.com; RMastro@gibsondunn.com; skrause@zeklaw.com; ssloan@skv.com; 'Ted Katz (thkatz@verizon.net)'; Gitter, Max  
**Subject:** RE: Message from the Special Masters

Special Masters Katz and Gitter,

On behalf of Chevron Corporation, below please find a chart that contains contact information for the last-known counsel representing the third-party witnesses whose depositions Chevron has noticed and over which Chevron requests Special Master supervision. In the event that the third-party witness has not retained counsel, we include for your information the e-mail address for the third party witness. Please note, however, that we have not included contact information for Mr. Ramiro Fernando Reyes Cisneros, whose deposition will proceed on May 13, due to Chevron's security concerns and because Mr. Reyes primarily speaks Spanish.

Third Party Deponent	Counsel	Third Party Contact Information
Emery Celli	Frank Wohl Lankler Siffert & Wohl LLP 500 Fifth Avenue 33rd Floor New York, NY 10110 Tel.: (212) 921-8399 Fax: (212) 764-3701 <a href="mailto:FWohl@lswlaw.com">FWohl@lswlaw.com</a>	
Ted Dunkelberger	Adlai Small Patton Boggs LLP 1185 Avenue of the Americas 30th Floor New York, NY 10036 Tel.: (646) 557-5100 Fax: (646) 557-5101 <a href="mailto:asmall@pattonboggs.com">asmall@pattonboggs.com</a>	
John McDermott (Brownstein Hyatt)	Lawrence W. Treece Brownstein Hyatt Farber & Schreck, LLP 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432 Tel.: (303) 223.1100 Fax: (303) 223.1111 <a href="mailto:ltreece@bhfs.com">ltreece@bhfs.com</a>	
Laura Garr	Jennifer Paradise White & Case LLP 1155 Avenue of the Americas New York, NY 10036-2787 Tel.: (212) 819-2664 Fax: (212) 354-8113	

	<a href="mailto:jparadise@whitecase.com">jparadise@whitecase.com</a>	
Karen Hinton	Stuart G. Gross Gross Law The Embarcadero, Pier 9 Suite 100 San Francisco CA 94111 Tel.: (415) 671-4628 Fax: (415) 480-6688 <a href="mailto:sgross@gross-law.com">sgross@gross-law.com</a>	
Joseph Kohn	Patricia Mary Hamill Joshua J. Voss James J. Rohn Conrad O'Brien PC 1500 Market Street Center Square W. Tower., Suite 3900 Philadelphia, PA 19102 Tel.: (215) 864-8071 Fax: (215) 864-0793 <a href="mailto:phamill@conradobrien.com">phamill@conradobrien.com</a> <a href="mailto:jvoss@conradobrien.com">jvoss@conradobrien.com</a> <a href="mailto:jrohn@conradobrien.com">jrohn@conradobrien.com</a>	
Patton Boggs/James Tyrrell	James K. Leader Alyssa Young Leader & Berkon LLP 630 Third Avenue, 17th Floor New York, NY 10017 Tel.: (212) 436-2400 Fax: (212) 486-3099 <a href="mailto:jkleader@leaderberkon.com">jkleader@leaderberkon.com</a> <a href="mailto:ayoung@leaderberkon.com">ayoung@leaderberkon.com</a>	
Jeffrey Shinder	Katie M. Lachter Hinshaw & Culbertson LLP 780 Third Avenue 4th Floor New York, NY 10017 Tel.: (212) 471-6200 Fax: (212) 935-1166 <a href="mailto:klachter@hinshawlaw.com">klachter@hinshawlaw.com</a>	
Joe Silver	Harrold A. Haddon Ty Gee Haddon, Morgan and Foreman 150 E. 10 <sup>th</sup> Avenue Denver CO 80203 Tel.: (303) 831-7384 Fax: (303) 832-2628 <a href="mailto:hhaddon@hmflaw.com">hhaddon@hmflaw.com</a> <a href="mailto:tgee@hmflaw.com">tgee@hmflaw.com</a>	
Andres Snaider*	Stuart G. Gross Gross Law The Embarcadero, Pier 9, Suite 100	

* Motion to Change Deponent List pending	San Francisco CA 94111 Tel.: (415) 671-4628 Fax: (415) 480-6688 <a href="mailto:sgross@gross-law.com">sgross@gross-law.com</a>	
Andrew Woods	Stuart G. Gross Gross Law The Embarcadero, Pier 9, Suite 100 San Francisco CA 94111 Tel.: (415) 671,4628 Fax: (415) 480-6688 <a href="mailto:sgross@gross-law.com">sgross@gross-law.com</a>	
Nicolás Augusto Zambrano Lozada	No known counsel	Unknown

Avi Weitzman  
Of Counsel

## GIBSON DUNN

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200 Park Avenue, New York, NY 10166-0193  
Tel +1 212.351.2465 • Fax +1 212.351.5265  
[AWeitzman@gibsondunn.com](mailto:AWeitzman@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

**From:** Ormand, Justin L [<mailto:jormand@cgsh.com>]

**Sent:** Monday, May 06, 2013 11:45 AM

**To:** Weitzman, Avi

**Cc:** Neuman, Andrea E.; [bgreen@zeklaw.com](mailto:bgreen@zeklaw.com); Chevron Service - Camacho/Piaguaje:Csmysr; Chevron Service - Camacho/Piaguaje:Gomez, J.; Chevron Service - Donziger:Keker, J; Chevron Service Donziger:Little, J; Chevron Service - Camacho/Piaguaje:Veselka, L.; [msims@zeklaw.com](mailto:msims@zeklaw.com); Chevron Service - Donziger:Werdegar, M; Seley, Peter E.; Gray, Rebecca; Mastro, Randy M.; [skrause@zeklaw.com](mailto:skrause@zeklaw.com); Chevron Service - Camacho/Piaguaje:Sloan, S.; Ted Katz ([thkatz@verizon.net](mailto:thkatz@verizon.net)); Gitter, Max

**Subject:** Message from the Special Masters

Mr. Weitzman,

Mr. Weitzman, the Special Masters believe that the ability to directly communicate with counsel for all the remaining third party deposition witnesses (copying all counsel of course), as just illustrated by the communication from and to counsel for Emery Celli, will facilitate scheduling the remaining depositions within the May 31 deadline. Accordingly, please send to me by close of business today a list of all remaining third party witnesses who have their own counsel, together with an identification of the individual counsel at any firm you may list, and adding all the contact information you have for such individuals. If there are any third party witnesses with whom you have been conducting scheduling discussions directly please provide the contact information for such person(s).

Thank you,

Justin Ormand

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Justin L. Ormand  
Cleary Gottlieb Steen & Hamilton LLP  
Assistant: [ldesalvo@cgsh.com](mailto:ldesalvo@cgsh.com)  
One Liberty Plaza, New York NY 10006  
t. +1 212 225 2352 | f. +1 212 225 3999  
[www.clearygottlieb.com](http://www.clearygottlieb.com) | [jormand@cgsh.com](mailto:jormand@cgsh.com)

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**Ormand, Justin L.**

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**From:** jkeker@kvn.com  
**Sent:** Wednesday, May 08, 2013 12:00 PM  
**To:** aweitzman@gibsondunn.com; Ormand, Justin L; aneuman@gibsondunn.com; bgreen@zeklaw.com; csmysr@skv.com; jgomez@gomezllc.com; jlittle@kvn.com; lveselka@skv.com; msims@zeklaw.com; mwerdegar@kvn.com; pseley@gibsondunn.com; rgray@gibsondunn.com; RMastro@gibsondunn.com; skrause@zeklaw.com; ssloan@skv.com; jlittle@kvn.com; Nikki K. Vo  
**Cc:** 'Ted Katz (thkatz@verizon.net)'; Gitter, Max; sgross@gross-law.com  
**Subject:** RE: Andrew Woods deposition

Mr Weitzman forgot to say that they didn't clear the May 14 date with us. We are prepared to attend the Woods deposition in SF on May 15, and believe there is absolutely no need for special masters, and request that they not run up the bill by being on video.

**From:** Weitzman, Avi [<mailto:AWeitzman@gibsondunn.com>]  
**Sent:** Wednesday, May 08, 2013 8:54 AM  
**To:** Ormand, Justin L; Neuman, Andrea E.; [bgreen@zeklaw.com](mailto:bgreen@zeklaw.com); Craig Smyser; Chevron Service - Camacho/Piaguaje:Gomez, J.; John Keker; Jan Little; Chevron Service - Camacho/Piaguaje:Veselka, L.; [msims@zeklaw.com](mailto:msims@zeklaw.com); Matthew Werdegar; Seley, Peter E.; Gray, Rebecca; Randy Mastro; [skrause@zeklaw.com](mailto:skrause@zeklaw.com); Chevron Service - Camacho/Piaguaje:Sloan, S.  
**Cc:** 'Ted Katz (thkatz@verizon.net)'; Gitter, Max; [sgross@gross-law.com](mailto:sgross@gross-law.com)  
**Subject:** Andrew Woods deposition

Dear Special Masters Katz and Gitter,

On behalf of Chevron Corporation ("Chevron"), we write to resolve scheduling issues surrounding the deposition of Mr. Andrew Woods. Mr. Woods' deposition is currently scheduled for Wednesday, May 15, 2013 in San Francisco. However, during the April 24 teleconference, Your Honors indicated that this date was unavailable, and further expressed a preference for depositions to proceed in New York.

We have conferred with Mr. Stuart Gross, counsel for Mr. Woods (copied on this email correspondence). Mr. Gross has indicated that Mr. Woods will not travel to New York for the deposition, but that he does not object to the Special Masters attending via video conference, similar to the deposition of Mr. Beier. As for the Special Masters' request to adjourn the deposition to a later date, Mr. Gross has indicated that Mr. Woods is available on May 15 or May 14, but is otherwise unavailable later in May.

Accordingly, we respectfully request that Your Honors advise us as to how to proceed with the scheduling of the deposition of Mr. Woods. Chevron is amenable to proceeding by deposition on May 15, or another date convenient for the Special Masters, with Special Master participation by video-conference.

Respectfully,  
Avi Weitzman

Avi Weitzman  
Of Counsel

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**From:** Weitzman, Avi  
**Sent:** Wednesday, May 08, 2013 11:52 AM  
**To:** 'Ormand, Justin L'; Neuman, Andrea E.; [bgreen@zeklaw.com](mailto:bgreen@zeklaw.com); Chevron Service - Camacho/Piaguaje:Csmyser;  
Chevron Service - Camacho/Piaguaje:Gomez, J.; Chevron Service - Donziger:Keker, J; Chevron Service Donziger:Little, J;  
Chevron Service - Camacho/Piaguaje:Veselka, L.; [msims@zeklaw.com](mailto:msims@zeklaw.com); Chevron Service - Donziger:Werdegarr, M; Seley,  
Peter E.; Gray, Rebecca; Mastro, Randy M.; [skrause@zeklaw.com](mailto:skrause@zeklaw.com); Chevron Service - Camacho/Piaguaje:Sloan, S.  
**Cc:** 'Ted Katz ([thkatz@verizon.net](mailto:thkatz@verizon.net))'; Gitter, Max  
**Subject:** Guerra deposition notice

Chevron respectfully submits the attached letter for Your Honor's consideration.

Respectfully,  
Avi Weitzman

**Avi Weitzman**  
Of Counsel

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