

June 28, 2013

VIA E-MAIL

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GOMEZ LLC
111 Quimby Street, Suite 8
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Steven R. Donziger
DONZIGER & ASSOCIATES
245 West 104th Street, Suite 7D
New York, NY 10025

Re: *Chevron v. Donziger, et al., Case No. 11-CIV-0691-LAK*

Counsel:

I write on behalf of Plaintiff Chevron Corporation (“Chevron”) regarding Defendants’ repeated violations of the January 11, 2013 stipulated Protective Order [Dkt. 723], and to demand immediate corrective action.

On June 26, Hinton Communications issued a press release entitled “Appeals Court Asks Judge Kaplan to Defend Bizarre Rulings” (“Press Release”), which discussed the contents of documents Chevron produced to you in this litigation and designated as “Confidential” under the Protective Order. Its mischaracterizations aside, the Press Release purports to describe the contents of documents Bates numbered CVX-RICO-4875276 to 79 and CVX-RICO-4888873 to 76, both of which are prominently marked “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER.”¹

As you are aware, and as referenced in my letters of May 20, 21, 29 and June 1 and in Chevron’s Motion for Remedial Measures Concerning Violation of Protective Order (“Motion”) [Dkt. 1222], Paragraph 6 of the Protective Order mandates that Confidential Information be used only “in connection with the legal pursuit or defense of the [RICO]

¹ Defendants’ public disclosure of the contents of the document Bates numbered CVX-RICO-4875276 to 79 comes after Chevron’s multiple reminders since May 20, including a letter sent only hours before the Press Release issued on June 26, to Defendants of their obligation to treat this document as Confidential until final resolution of the parties’ dispute on proper designation by the Court.

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Action” or other related actions. Further, paragraph 8 states that such information may not be shared outside a limited group, which does not include Hinton Communications, which no longer works for the Lago Agrio Plaintiffs.² Judge Kaplan recently reminded the parties “of their obligations under the Protective Order which was agreed to on behalf of all of them and is an order of the Court. Future violations, if any, may result in the imposition of sanctions, whether in this action or in other appropriate proceedings.” Dkt. 1236.

Defendants’ latest violation of the Court’s Orders warrants your immediate corrective action. Please confirm by the close of business on June 28, 2013 that you (a) have removed all public disclosure of any Confidential documents or information produced by Chevron, including information from the documents listed above; (b) immediately confirm the return of all Confidential documents and information from any person or entity not specifically authorized by Paragraph 8 of the Protective Order to possess Confidential documents or information; and (c) provide the information previously requested in my letter of May 21, 2013, both generally and specifically as it relates to the Confidential documents and information you have provided to Hinton Communications.

Finally, as stated in Peter Seley’s letter to you from June 26, Chevron demands the immediate return of the Pre-Inspection Videos per the terms of that letter and removal of any reference or mischaracterization in the Press Release to those improperly obtained Pre-Inspection Videos, which Special Master Theodore Katz ruled were “videos [that] clearly fall within the work product privilege” (which was not waived) and “should have been returned.” Deposition of Chevron’s 30(b)(6) designee Sara McMillen at 195:24-196:13.

Chevron reserves all rights to seek any appropriate remedy, including filing another motion for remedial measures and seeking sanctions, in light of Defendants’ continued violations of the Court’s Orders.

Very truly yours,

/s/ Ethan Dettmer

Ethan Dettmer

EDD/mml

² Mr. Donziger testified under oath this week that Karen Hinton, the founder of Hinton Communications, was terminated and has not provided services for the Lago Agrio Plaintiffs for several months. Deposition of Donziger & Associates, PLLC’s 30(b)(6) designee Steven Donziger (June 25, 2013) at 443:13-444:4.