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September 9, 2014

Mr. Paul M. Barrett
Mr. Stuart Krichevsky
Stuart Krichevsky Literary Agency, Inc.
381 Park Avenue South, Suite 428
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Mr. Roger Scholl
Vice President and Executive Editor
The Crown Publishing Group
Ms. Katherine Trager
Senior Vice President and General Counsel
Penguin Random House
1745 Broadway
New York, NY 10019

Re: Notice of defamation regarding “Law of the Jungle”

Dear Sirs and Madam,

I write to put you on notice that a book written by Paul M. Barrett and slated to be released in September by Crown Publishers, *Law of the Jungle* (“the book”), contains improperly sourced and possibly plagiarized material, is replete with factual inaccuracies, describes events that did not occur, and in other ways promotes information known by Barrett to be false and defamatory. The book also defames me by adopting virtually wholesale key elements of Chevron’s false narrative about the environmental lawsuit in Ecuador, thereby leaving the false impression that I am dishonest and that I engaged in criminal acts to procure a legitimate judgment that has been upheld by three layers of courts in Ecuador, including in a unanimous opinion by Ecuador’s Supreme Court.¹

¹ The thrust of Chevron’s false narrative also has been rejected by multiple U.S. federal trial and federal appellate courts in decisions that Barrett ignores in his book. These include decisions from no fewer than six separate federal appellate courts and eight separate federal trial courts. Some of the decisions include *Chevron Corp. v. Allen*, No. 2:10-mc-00091 (D. Vt. Dec. 2, 2010) (finding “no evidence of fraud, false pretenses or undue influence” regarding Chevron’s claims); *Chevron Corp. v. Bonifaz*, No. 10-mc-30022 (D. Mass. Dec 22, 2010) (denying Chevron’s request to apply crime-fraud exception in discovery dispute); *Chevron Corp. Shefftz*, No. 10-mc-10352-JLT (D. Mass., Dec. 7, 2010) (finding Chevron “has not shown Respondent engaged in or intended any criminal or fraudulent activity”); and *Chevron Corp. v. Quarles*, No. 3:10-cv-00686 (M.D. Tenn. Sept. 21, 2010) (finding that Chevron’s allegations “quickly spiraling out of control” and rejecting fraud claims).

I reserve all rights against Mr. Barrett, Crown Publishers, Stuart Krichevsky, and others who may be involved in the active promotion of the defamatory assertions in the book. With this communication, you are hereby given notice to preserve all documents and information (including electronically-stored information) in your possession or under your control related to the book, including all of communications and contracts between Barrett, Krichevsky, and Crown, and all documents and information concerning the book's research, authorship, sale, marketing, and promotion, all of which will potentially be the subject of future litigation. The information that must be preserved includes any of Barrett's notes concerning interviews with his sources, particularly where he purports to quote anonymous sources, some of which I have a basis to believe are invented by him. If you have any automatic records deletion processes, you must immediately ensure that they do not impact the integrity of all of your stored records and communications regarding the book.

I also believe I can document in a litigation how Barrett has misappropriated his role as a reporter for *Businessweek* to repeatedly promote and broadcast the defamation against me contained in his book, using the magazine and its website as a platform for that purpose.

Some of the bases for my potential claim are as follows.

Inadequate Fact Checking

Given the inaccuracies and false assertions documented herein, it appears that there was wholly inadequate fact-checking of the *Law of the Jungle*.² Though I am the main focus of the book and I have an intimate familiarity with most of the significant events in question, nobody from Crown (much less Barrett) contacted me to verify the "facts" asserted. Likewise, as far as I can ascertain, no other person on the legal team for the affected Ecuadorian communities has been contacted by either Barrett or Crown for fact-checking purposes. Nor did either Crown or Barrett provide me with an advance copy of the book. In fact, I have reason to believe that Barrett (with the cooperation of Crown) took affirmative steps to block galley copies from falling into the hands of either myself or any member of our team. The failure to adequately fact check is causing me actual harm because copies of the book are currently circulating to reviewers and other persons of influence. It is clear that many of the inaccuracies easily could have been avoided had timely and proper fact-checking taken place.

Barrett's Various Deceptions

As described below, Barrett casts himself as an independent reporter while in the book he consistently cribbed and plagiarized material from others, including journalists who did firsthand reporting such as Joe Berlinger and Michael Isikoff and a U.S. federal judge (Lewis A. Kaplan) whose own research is highly suspect and whose biases and shortcomings closely track Barrett's.³

² Crown cannot reasonably assume that because Barrett has a law degree or purports to understand complex litigation, it can defer to his judgment as a fact checker on his own book. This is particularly true in light of the personal animus he has demonstrated toward me and his record of failing to adhere to his ethical obligations as a journalist, as described herein.

³ The many flaws in Judge Kaplan's recent decision are outlined in detail in appellate briefs filed by myself and my clients, Javier Piaguaje and Hugo Camacho. Both briefs were ignored by Barrett in his book. The similarities between Kaplan's decision and Barrett's book are profound and underscore once again that Barrett did little independent reporting. Among the similarities: like Kaplan, Barrett

Barrett also appropriates incomplete bits of information from disparate sources to manufacture composite events that he knows did not occur. Barrett also tries to leave the false impression that he enjoyed exclusive or special access to my story or that I otherwise cooperated with him. Through various subterfuges – including describing events from a movie without citing the source in the text -- he tries to leave the reader with the false impression that he was reporting firsthand about events where he was not present. Barrett also largely ignores the valid and overwhelming scientific evidence relied on by the Ecuador court to find Chevron liable. He then defames me by blaming me for evidentiary “problems” that are largely invented by his own false narrative.⁴ Barrett does not disclose these many misrepresentations and ethical shortcomings to the reader.

Lack of Independent Reporting

The lack of fact checking and the misleading assertions are compounded by the obvious fact that Barrett did very little independent reporting despite claims to the contrary in the source notes and in the book’s marketing materials. While the Ecuador litigation has spanned two decades and has generated millions of pages of public documents, Barrett spent no more than a handful of days in Ecuador. It is clear Barrett interviewed virtually nobody of significance on either legal team. Shockingly, he does not cite to even a single footnote. Nor does he quote at length a lawyer from either side of the dispute, based on an actual on-the-record interview of the events in question.

To take one very obvious example of his lack of diligence, Barrett *does not cite to the Ecuador court record* as a source. This 220,000-page trial record is the definitive blow-by-blow account of what happened during the eight-year Ecuador trial (which ended before Barrett began reporting on the story). It contains the overwhelming scientific and testimonial evidence relied on by the court to find Chevron liable. It also contains the court’s reasoned responses to Chevron’s numerous complaints of “fraud” in the proceedings. Any honest reporter coming late to the story as Barrett did would translate and then read the Ecuador trial record first to understand what happened over the previous several years. Tellingly, it appears Barrett almost completely ignored the evidentiary record from the only court in this matter to actually hear the relevant scientific evidence. To write a book on a litigation one did not attend without at least reading the trial record is no less than reckless.

It is more than ironic that Crown and Barrett titled the book *Law of the Jungle*—an insulting (if not racist) slap at the judiciary of a U.S. ally and commercial trading partner —when Barrett

concludes I orchestrated a “fraud”; both do not read or speak Spanish; both had no way of reading the 220,000-page Ecuador trial record; both spent almost no time in Ecuador (Kaplan spent none); both lack familiarity with Ecuadorian environmental law; both never read the Ecuadorian civil code; both did not attend a single day of the eight-year Ecuador trial; and both are clearly not qualified to opine on what happened in Ecuador without a massive amount of careful research that neither engaged in, as demonstrated clearly by the appellate briefs and the contents of this letter. In any event, my defamation claims stand independent of Kaplan’s highly flawed decision, which likely will be reversed on appeal.

⁴ That Barrett has decided to help promote his book by beating the drums of war for Chevron cannot be disputed. A few weeks ago he testified about the litigation before the U.S. Congress where he repeated several of the same defamatory assertions that appear in his book. Seated next to him was a partner in the outside law firm that is leading Chevron’s charge to evade paying the Ecuador judgment.

never even read the court record that clearly shows the care Ecuadorian judges took to adduce evidence and to rule on each of Chevron's hundreds of repetitive and frivolous motions.⁵ The very title and sub-title on the book jacket not only contradict the actual evidence, but are part of the central thrust of the defamation against me.

Examples of Factual Inaccuracies, Improper Sourcing, and Plagiarism

Barrett's lack of diligence, personal animus toward me as described below, and shoddy reporting techniques produce a predictable result: the final product is riddled with inaccuracies from the very first chapter. Barrett's frighteningly thin "source notes" and lack of footnotes further underscore that he engaged in irresponsible journalism.⁶

Contrary to the false impression left by Crown's and Barrett's marketing materials for the book, Barrett spent virtually no time in Ecuador reporting the facts on the ground. Barrett fails to disclose in the book that he did not attend a single day of the eight-year Lago Agrio trial. He fails to disclose he did not attend any court hearings in the prior 10-year battle over jurisdiction in U.S. federal court. He does not disclose that he failed to interview on the record even a single member of the Ecuador legal team of the Lago Agrio plaintiffs. While Barrett claims in his acknowledgements to have interviewed key Chevron lawyers, such as lead outside counsel Randy Mastro and General Counsel R. Hewitt Pate, neither are quoted. Nor are several other individuals Barrett claims he interviewed.

⁵ The title of Barrett's book suggests that Ecuadorians are little more than savages incapable of conducting their judicial affairs consistent with basic standards of due process and civility. The title also suggests that any American lawyer who would engage in litigation in such a place must be *per se* lacking in ethics. The suggestion that Ecuador is a lawless country not only contradicts the evidence, but it is a construct that Chevron has trumpeted for years to try to evade responsibility for its wrongdoing. Barrett ignores the evidence that Ecuador's judicial system ranks in the top half of all judicial systems in Latin America according to objective metrics submitted by Dr. Joseph Staats, a leading authority on judicial systems in the region and a professor of political science at the University of Minnesota. The report of Dr. Staats, available in the trial record, remains unmentioned by Barrett. Barrett also fails to mention that a United Nations investigative commission lauded Ecuador's judicial reforms in recent years. Or that Chevron itself recently won civil cases in Ecuador's courts against Ecuador's state oil company. It is clear that the claims about "law of the jungle" speak more to stereotypes in Barrett's head than they do to the reality of the situation on the ground.

⁶ Barrett writes in his source notes: "Where I describe people's thoughts, I rely on first-person accounts, descriptions provided by others with personal knowledge of the given situation, and/or written accounts gathered from court records or other sources." A more rudimentary catch-all explanation for sourcing for a non-fiction book with millions of pages of public documents and hundreds of potential interview sources would be hard to come by. Other than this impossibly vague explanation, Barrett rarely cites to specific sources in his text or discloses who is giving him what information when. Shockingly, the Harvard Law-educated Barrett cites to not a single footnote to back up his claims. The entire approach reeks of laziness. In a litigation, Barrett will face the prospect of having to disclose his sourcing or admit that he made up stories and facts and ignored key evidence that disproves many of his assertions and conclusions. James Frey invented facts for the supposedly non-fiction *A Million Little Pieces* and got in serious trouble for it. Unlike in Frey's situation, which was a personal memoir, Barrett's invented stories and inaccuracies concern *another person*. And, they are being brought forward *before* publication, putting a further onus on both Barrett *and* Crown to address these issues forthwith.

The lack of independent reporting and fact checking has led to numerous additional errors. Some are central to the harm caused me. Others might be less significant, but they corroborate the point that Barrett failed to do adequate research and that Crown and Barrett failed to engage in adequate fact checking. I cite some examples as follows:

1. Barrett and Crown claim on the cover of the book that I “would stop at nothing” to win the case. This leaves the false impression that I am dishonest and I would easily commit criminal or unethical acts to win the case, all of which is false and defamatory as explained herein and in court filings readily available to Barrett.
2. In a chapter titled “Authorship,” Barrett completely misrepresents a film outtake from *Crude* to cast me in a negative light regarding court monitors our team organized to combat Chevron’s corruption. Barrett falsely claims this group was intended to intimidate the court when in fact it was set up to make sure the court operated honestly. The impression left by Barrett is false; contradicts the outtake cited; and contradicts sworn testimony Barrett ignores.
3. Barrett uses an incorrect name for my deceased mother, confusing her with my father’s second wife.
4. Barrett asserts that I helped to draft Ecuador’s Environmental Management Act (“EMA”). This is false. The assertion that another member of the legal team had a role in the passage of the EMA is a separate falsehood long pushed by Chevron that has been debunked in publicly available court filings and other documents that Barrett ignores.
5. Barrett’s assertion that the substantive claims of the Lago Agrio plaintiffs are based on the EMA is false as documented by the Ecuador complaint itself, which is based on two statutory provisions of Ecuador’s civil code dating to 1861. This is a critical part of Chevron’s false narrative. It also designed to harm my reputation by suggesting I manipulated the law.
6. Barrett’s claim that I opposed a remediation of waste pits is false and misleading, as proven by contemporaneous emails at the time. I have never opposed a comprehensive and proper remediation.
7. The assertion that an Ecuadorian Judge named Yanez appointed five neutral experts is false as proven by the Ecuador trial record that Barrett obviously did not read.
8. The description of the Cofan leader Mr. Criollo repeating my “script” in a Chevron shareholder’s meeting is plagiarized by Barrett from “Crude” and in any event is false. The statement is an audiotaped voice-over made by the producers outside the meeting. The fact Barrett repeats it is illustrative of his lack of independent research regarding scenes in the film.
9. The assertion that I “fired” Cristobal Bonifaz is false. Mr. Bonifaz was fired in a letter by the client representatives, as proven by the letter itself that Barrett ignores.
10. The assertion that “Donziger filed a petition with the Inter-American Commission on Human Rights” is false, as proven by the petition itself that Barrett apparently did not read.
11. The assertion that I visited President Obama “several times” is false.

12. The assertion that my wife “went on several trips to Ecuador” is false.
13. The assertion that I gave \$30,000 to help finance *Crude* is false.
14. The assertion that Russell DeLeon started funding the Ecuador case *after* Joe Kohn ceased funding is false.
15. The assertion that I promised DeLeon a percentage of the recovery in the lawsuit is false as proven by the investment agreement between DeLeon and the representatives of the plaintiffs.
16. The assertion by Barrett that I “blackmailed” a judge in Ecuador is false and is contradicted by publicly available documents and sworn testimony that Barrett ignores.
17. Barrett asserts that United Press International sent me to Managua to work as a journalist. This incorrect statement about a completely non-controversial issue is another example of the author’s lazy tendency to make up information to save time.

I have documented numerous other inaccuracies and failures to properly source material. Most buttress Barrett’s fundamentally flawed thesis (that I perpetrated a “fraud) or otherwise exaggerate his level of access to me.⁷ The cumulative effect of so many errors clearly demonstrate the shoddy reporting techniques used by the author and the lack of effective fact checking by the publisher.

Misleading Statements About Access

Numerous passages in the book purport to represent my personal thoughts and feelings in a style designed to make it appear that I related such thoughts or feelings to Barrett. This was not the case; I never gave Barrett an interview for the book and he knows that I rejected his repeated entreaties to cooperate and to sit for a series of interviews. Yet by trying to act like he had access to me, Barrett is fraudulently purchasing credibility with the reader at my expense to make the defamatory assertions about me pack a greater punch.

Evidence will demonstrate that the false narrative conveyed by Barrett is derived in part from my refusal to provide the kind of access that Barrett repeatedly told me he felt entitled to have. I have reason to believe Barrett promised Crown that he had such access in exchange for the sizable advance he received. Barrett apparently resolved his problem of my refusal to cooperate by trying to leave the impression there was cooperation. Among other techniques, he created

⁷ My private notes were written episodically and in truncated fashion over a period of a few months several years ago. I have testified under oath that a substantial portion of those notes are incomplete, inaccurate, or lack proper context given my personal knowledge today and the body of evidence that has emerged since the notes were written. To rely on these notes to capture my “feelings” as they existed then or exist generally today—without accurately explaining the limitations with this source or complementing the notes with original and updated research—is yet another example of Barrett’s dishonest and lazy technique. Likewise, Barrett describes scenes in *Crude* and in the film’s outtakes that lack context or were staged by the director for dramatic purposes. There is no indication Barrett knew this. Nor did he try to verify any of the information gleaned from the film or from my personal notes to ensure that they were an accurate representation of the events in being described – a basic duty of any serious, independent, and ethical reporter.

fictional scenes; made up facts about my personal feelings that he would have no way of knowing unless I shared them with him; and failed to disclose to the reader in a clear way that I did not cooperate and the reasons why.

Here are a handful of illustrative examples:

****Barrett repeatedly describes my emotions from many years ago. Barrett would have no way of knowing these emotions other than by speculating or making them up.⁸**

****Barrett repeatedly describes my activities and feelings in Ecuador by describing scenes from the film *Crude* without sourcing to the film in the text. By so doing, he leaves the false impression he was reporting firsthand on events when he was not present.**

****Barrett attributes a thought to my parents—both deceased—which is wholly inaccurate and for which no source is cited.**

****In the opening chapter, titled “Surveillance,” Barrett describes Chevron operatives following me while riding my bike in Manhattan. This event – not sourced in the book -- did not happen.**

Barrett’s Personal Animus

Extensive evidence demonstrates that Barrett was motivated to harm my personal reputation. In fact, it is clear that Barrett developed a strong personal animus toward me from almost the moment he began reporting the story. Barrett’s animus belies his and Crown’s claims of “independent” reporting. It also helps explain why a supposedly reputable reporter would make up information and write such a sloppy, inaccurate, and defamatory book. Barrett repeatedly expressed this animus to me and to others who work with me in conversations and emails. Acting on this animus, Barrett has interfered with my relationships with my colleagues and publicly has engaged in inappropriate behavior and made statements designed to harm my reputation.

When in 2011 Barrett first approached me about the book, I indicated that I would consider cooperating.⁹ I subsequently discussed the prospect with my attorney who advised me against doing so in the middle of a contested litigation where I was being falsely accused of wrongdoing. Before making a decision, I asked Barrett for his book proposal to verify his claim to me that he sold Crown on a plan to write a balanced and objective account. Tellingly, Barrett refused to share his proposal. I eventually informed Barrett that I would not be cooperating. The reasonableness of this position is self-evident.¹⁰

⁸ Regarding Barrett’s attempt in his source notes to defend his practice of describing people’s thoughts, see note 6, *infra*.

⁹ The value of such cooperation was undeniable. It would have given Barrett a legitimate basis to access details of the inside perspective of two decades of struggle against Chevron in what resulted in the largest environmental judgment in history.

¹⁰ Barrett lies in his source notes when he says I never explained my completely reasonable decision not to cooperate. I did explain it to him, repeatedly. Barrett simply decided not to pass the explanation on to the reader, perhaps concerned that it would make me look reasonable and thereby contradict his book-length effort to paint me as a rogue lawyer, and worse.

Barrett responded to my decision with what can only be described as rage and vitriol. He raised his voice and accused me of a personal betrayal. He disparaged me in front of other members of our legal and advocacy team. Barrett told one person that he was going to use the book “to take Donziger down” and that person should stop working with me if he wanted to preserve his legal career. During one break during the court proceedings in New York, he shouted openly to my lawyers and anybody who would listen that I was a “liar” and a “criminal” and he questioned why anybody would work with me. Several individuals have observed this type of angry, obsessive, and overwrought behavior by Barrett.

In light of evidence that Barrett had turned himself into a protagonist in the very dispute he was purporting to cover, I fully expected his book would be unfavorable to me personally. But the book goes far beyond presenting unfavorable opinions and characterizations. It promotes falsehoods. And it pretends to be something other than what it is: the book that Barrett wanted to write about the inside story of a groundbreaking litigation, but was unable to deliver in honest fashion once I declined to cooperate. Barrett’s book is consistently and misleadingly written to suggest I gave him a level of personal access that he did not have.

Defamation Related to the Scientific Evidence

Barrett makes a further defamatory assertion when he writes in a chapter called “Conclusions” that in Ecuador I “debased the very idea of seeking truth by means of a trial based on facts”. He also asserts elsewhere that the chemical sampling results by both parties during the critically important judicial inspections “produced an every-expanding stream of irreconcilable results.” Both of these statements are false and known by Barrett to be false.¹¹ They also leave the reader with the false impression that I am dishonest by suggesting the judgment that I worked for two decades to obtain is not supported by valid scientific evidence, even though it was as confirmed by various courts.¹²

¹¹ These false statements about the lack of clear scientific evidence are critical to the misleading “logic” behind Barrett’s (and Chevron’s) overall false narrative. If as Barrett asserts there was no persuasive scientific evidence, and I would “stop at nothing” to win, then it seems plausible that I would have the motive to engage in the other so-called “bad acts” that Barrett describes later but that also are contradicted by key evidence. Chevron itself dropped all damages claims on the eve of the RICO trial to avoid a jury of impartial fact finders, thereby conceding the point that the science supported a finding of liability. Judge Kaplan, as described further below, also conceded the issue of Chevron’s contamination. There is simply no reasonable basis for Barrett to conclude as he did about the science given the overwhelming evidence to the contrary—most of it provided by *Chevron itself*, as documented by the LBG report and myriad other sources from the Ecuador trial record cited in this section.

¹² The reality is that the opposite occurred. Because the scientific evidence that proved the claims of the plaintiffs so clearly and quickly mounted against Chevron during the early years (2004-2005) of the Ecuador trial, it was Chevron that quickly began to engage in corrupt, abusive, and illegal litigation practices including the use of bribes to Ecuador’s government and to witnesses in an attempt to sabotage proceedings that it knew it would lose. Apparently because this evidence is not consistent with his narrative, Barrett largely ignores the proof of Chevron’s bad acts, all of which is readily available in court filings such as the Feb. 28, 2011 [affidavit by Juan Pablo Saenz](#), available on the [Key Documents Page](#).

The statements cited in the previous paragraph are contradicted directly by thousands of pages of factual evidence in the court records of at least three different litigations: the Lago Agrio case in Ecuador; the New York RICO case; and, in the investment treaty arbitration between Chevron and the Republic of Ecuador. My personal motivation to prove the claims of the plaintiffs based on facts and other competent scientific evidence – rather than through cheating and manipulation, as Barrett claims -- is borne out by the overwhelming evidence actually presented that wholly contradicts Barrett's false narrative. They are also corroborated by numerous statements in my personal notes at the time.¹³

Most of this evidence can be found in the Ecuador trial record that was relied on by the Ecuador court to find Chevron liable. That record contains several layers of mutually corroborating science that fundamentally contradict Barrett's claims. This evidence is further corroborated by credible third-party sources that Barrett also ignores.

This large quantity of information demonstrates the defamatory aspect of Barrett's claims about the evidence and my own role in presenting that evidence. It includes, but is not limited to, the following:

****Tens of thousands of chemical sampling results proving illegal levels of contamination at former Chevron well sites.** A total of 105 expert reports from both parties submitted to the court and encompassing many thousands of pages of data. These reports include 64,000 chemical sampling results verified by independent laboratories in Ecuador and the U.S. These sampling results irrefutably prove thousands of violations of Ecuadorian regulatory norms governing oil pollution at 100% of Chevron's former production sites in Ecuador inspected during the trial.

Most of these samples were submitted by Chevron. Most prove the claims of the plaintiffs, as confirmed by the findings of Ecuador's trial and appellate courts.¹⁴ This irrefutable evidence is available in the Ecuador trial record. It also is summarized for ease of use in various documents, including in our final written argument to the Ecuador court. This document (called an *alegato*) has been available publicly since 2010. The alegato can be accessed at the [Key Documents and Court Filings page](#) on the ChevronToxico website ("Key Documents Page").¹⁵

****Chevron audit reports documenting the company's contamination and sub-standard practices.** Chevron's internal environmental audits prepared under the auspices of Texaco in the early 1990s also document the company's responsibility for extensive pollution in Ecuador and further demonstrate Barrett's false and defamatory assertions. These audit reports were relied on by Ecuador's courts in finding Chevron liable and are publicly available in the Ecuador trial

¹³ In yet another example of his dishonesty, Barrett ignores these personal notes when it contradicts his thesis but he amply cites them (without attribution in the text and often stripped of context) when it suits him.

¹⁴ For example, after the judicial inspection at a well site called Sacha 94, Chevron's own experts reported levels of Total Petroleum Hydrocarbons to the court several times higher than the Ecuadorian limit. Worse yet, the site had been certified as "completely remediated" by Texaco when it sought a release from Ecuador's government in the mid-1990s. This example and numerous others like it were ignored by Barrett. All of this evidence is in the public record of the Ecuador trial court.

¹⁵ See <http://chevrontoxico.com/news-and-multimedia/2011/0406-key-documents-and-court-filings-from-aguinda-legal-team>. The Alegato is available at <http://chevrontoxico.com/assets/docs/2011-01-17-Summary-Memo-and-Plaintiffs-Final-Argument-Part-1.pdf>.

record. Based on extensive on-site inspections, they found evidence of numerous violations by Chevron of Ecuadorian environmental laws; spills at 158 of 193 Chevron well sites inspected; a complete failure by the company to remediate its damage, and the failure to prepare even a single environmental impact study, as required by law in Ecuador.

****The Louis Berger Group report documenting Chevron’s responsibility for contamination and confirming the reasonableness of the Ecuador trial court decision.** After the Ecuador trial ended in 2011, the government of Ecuador commissioned an independent study of Chevron’s pollution. Scientists from the prestigious U.S.-based Louis Berger Group (“LBG”) – which has worked for the U.S. Department of Justice and other federal agencies – spent weeks in Ecuador inspecting former Chevron-only oil production sites. The results confirm yet again that extensive and harmful levels of toxic contamination still exist today in soils and surface waters at Chevron-only sites, thereby providing another layer of proof to corroborate the Ecuador trial court’s findings that there was ample basis to find Chevron liable. The additional factual evidence in the LBG report, available publicly since at least 2013, provides further evidence of the defamatory nature of Barrett’s statements. Barrett did not cite to this report or quote the scientists who prepared the LBG review, which is available on the [Key Documents Page](#).

****The LBG review of Chevron’s evidence in the Lago Agrio trial itself confirms the company proved the claims of the plaintiffs.** The LBG scientists separately conducted an independent review of the thousands of chemical sampling results submitted by Chevron in the Ecuador trial. This review found yet another basis for the court to find Chevron liable. The LBG report is summarized in a court filing called *Track 2 Rejoinder On the Merits of the Republic of Ecuador*, dated December 16, 2013, which is available publicly on the [Key Documents Page](#).

****Evidence of Chevron’s Secret “Pre-inspections” Evidence:** Ecuador’s government was able to obtain information through a U.S.-based discovery action that confirmed Chevron field technicians conducted secret “pre-inspections” of contaminated well sites in Ecuador. The technicians produced sampling results that also proved the company’s contamination. Details on this information – which Chevron hid from Ecuador’s courts -- are included in the aforementioned arbitration filings and LBG reports on the [Key Documents Page](#). Again, Barrett ignored this readily available information.

****Donziger Legal Filings:** As mentioned, Barrett also ignores my own legal filings that contradict his narrative in this regard. These filings are available in the court record, on the [Key Documents Page](#), and on my own website, www.stevendonziger.com. My counterclaims against Chevron in the New York RICO case also summarize the extensive scientific evidence behind the judgment in Ecuador. These counterclaims further document in great detail Chevron’s attempts to disrupt and sabotage the trial that provide context to many of my statements that Barrett cites in misleading fashion. My 130-page appellate brief, filed July 2 this year, also provides a fully-documented factual summary of the science behind the case and Chevron’s attempts to “demonize” me as a form of retaliation. Again, Barrett largely ignores the factual content of these two critically important documents.

The science submitted to the Ecuador court by both parties could not have been clearer. There was massive pollution in Ecuador at *all* of Chevron’s former well sites inspected, as confirmed in mutually corroborating layers of evidence by Chevron, the communities, LBG, and other third parties including researchers from Harvard Medical School and Ecuador’s Government Accountability Office (which also produced reports that are publicly available but ignored by

Barrett). In fact, there are at least 35 *separate scientists*—many consultants to Chevron—who have personally inspected the evidence in Ecuador and publicly or privately confirmed that Chevron left pollution in one form or another at its former well and production sites.¹⁶ This overwhelming evidence not only contradicts a central aspect of Barrett’s false narrative cited above, it utterly *disproves* it.¹⁷ The science in the Lago Agrio case was not an “incompatible morass” and it was not confusing at all.

Misunderstanding or Twisting Critical Evidence

Barrett makes further false and defamatory assertions that are contrary to facts known by him. Time does not permit me to include every detail of each example.

They include false and misleading statements by Barrett about the legal basis for the damages claims in the Ecuador lawsuit; false and misleading statements by Barrett about the role of experts under Ecuadorian law; false and misleading statements by Barrett about the authorship of the Ecuador trial court judgment; false and misleading statements by Barrett about the roles of David Russell and Chuck Calmbacher; false and misleading statements about Burford Capitol and the financing of the lawsuit; and false statements that are designed to exaggerate the importance of my own role in the litigation relative to those of Ecuadorian lawyers who actually (unlike me) appeared in court in Ecuador. They also include the deliberate exclusion of critical information that if reported would have resulted in a more accurate book and thereby protected my reputation from the defamatory assertions described herein. All of the false statements related to these topics (and others) are contradicted by readily available and public information that was known to Barrett and that can so be proven with competent evidence.

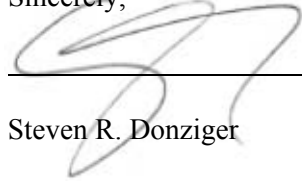
¹⁶ For example, Chevron hired University of California-Davis environmental science professor Douglas Mackay to “audit” its field sampling and analysis program for the judicial inspections phase of the Ecuador trial, in response to an exposé on the deceptive nature of that program published by scientists for the affected communities. Internally, Dr. Mackay raised profound doubts about the program and the undeniable weight of the evidence against Chevron, at one point resisting language proposed by Chevron’s in-house scientists, noting “I doubt seriously that there never were any significant environmental or public health impacts, so I don’t want to imply that.” *See, e.g.*, Barbara Leonard, “Ecuador Wins Discovery Battle Against Chevron,” Courthouse News Service, Jan. 31, 2014, at <http://www.courthousenews.com/2014/01/31/65019.htm>. A variety of sources also have confirmed the same. *See, e.g.*, Karen Hinton, “Chevron’s Ecuador Plan B”, Huffington Post, May 9, 2014, at http://www.huffingtonpost.com/karen-hinton/chevrans-ecuador_b_5272031.html.

¹⁷ As mentioned, Judge Kaplan’s RICO decision is not a defense to the book’s defamation. There are at least two obvious problems worth mentioning in this regard. First, Judge Kaplan explicitly refused to consider *any* of the evidence related to Chevron’s contamination in Ecuador; he instead conceded the issue. Second, Judge Kaplan’s decision resulted from a highly questionable proceeding, the flaws of which are amply documented in the various appellate briefs. Further, Judge Kaplan’s decision is highly vulnerable. Even Ted Olsen, Chevron’s renowned outside counsel, argued to the Supreme Court when he was U.S. Solicitor General that the RICO statute cannot be used by a private party to secure the type of equitable relief granted by Judge Kaplan to the oil company. Amicus Brief of the United States, *Scheidler v. NOW*, Nos. 01-1118 and 01-1119 (2002).

Conclusion

I hereby demand that prior to publication of *Law of the Jungle* the defamatory assertions be corrected and that you engage with me and my counsel to allow us to show you further evidence of Barrett's errors, improper sourcing, personal animus, and other problems with the book that result in harm to my reputation. Given the impending publication date, and the fact that numerous galley copies are circulating such that I am being caused actual harm, I must insist these issues be addressed forthwith. I can be reached at sdonziger@donzigerandassociates.com.

Sincerely,

A handwritten signature in black ink, appearing to read "SD", is written over a horizontal line. The signature is stylized and somewhat abstract.

Steven R. Donziger

cc:

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